

for printing and reference to the proper calendar, as follows:

Mr. HARTLEY: Committee on Labor submits minority views on H. R. 4437, a bill to provide for the return of public employment offices to State operation, to amend the act of Congress approved June 6, 1933, and for other purposes (Rept. No. 1487, pt. II). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FALLON:

H. R. 5215. A bill to make imported merchandise subject to the same internal-revenue taxes as similar merchandise of domestic origin; to the Committee on Ways and Means.

By Mr. HOFFMAN:

H. R. 5216. A bill to prevent discrimination in employment because of race, creed, sex, color, lack of color, national origin, ancestry, membership or nonmembership in any labor or fraternal organization; to the Committee on Labor.

By Mr. ANDERSON of California:

H. R. 5217. A bill to provide that upon discharge temporary members of the United States Coast Guard Reserve be issued certificates of discharge, and for other purposes; to the Committee on the Merchant Marine and Fisheries.

By Mr. ELLIOTT:

H. R. 5218. A bill to amend the National Housing Act, as amended; to the Committee on Banking and Currency.

By Mr. HART:

H. R. 5219. A bill to provide for the appointment of an additional district judge for the district of New Jersey; to the Committee on the Judiciary.

By Mr. LAFOLLETTE:

H. R. 5220. A bill to prevent employers guilty of unfair labor practices which cause strikes from charging the United States with the cost of such strikes through tax deductions; to the Committee on Ways and Means.

By Mrs. WOODHOUSE:

H. R. 5221. A bill providing equal pay for equal work for women, and for other purposes; to the Committee on Labor.

By Mr. BARTLETT:

H. R. 5222. A bill to authorize the Secretary of Agriculture to sell certain lands in Alaska to the city of Sitka, Alaska; to the Committee on Agriculture.

By Mr. BOYKIN:

H. R. 5223. A bill to extend temporarily the time for filing applications for patents, for taking action in the United States Patent Office with respect thereto, for preventing proof of acts abroad with respect to the making of an invention, and for other purposes; to the Committee on Patents.

By Mr. DOUGHTON of North Carolina:

H. Con. Res. 121. Concurrent resolution authorizing the House Committee on Ways and Means to have printed for its use additional copies of the report to the committee of its technical staff relative to the issues in social security; to the Committee on Printing.

By Mr. HENDRICKS:

H. Res. 493. Resolution requesting the Board of Engineers for Rivers and Harbors to review the reports on Sebastian Inlet, Fla.; to the Committee on Rivers and Harbors.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Kentucky, memorializing the President and the Congress of the

United States to use the Army Post at Fort Thomas, Ky., as a veterans' hospital; to the Committee on World War Veterans' Legislation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARTLETT:

H. R. 5224. A bill for the relief of Verne Eutuk and Earl Scott; to the Committee on Claims.

By Mr. COFFEE:

H. R. 5225. A bill for the relief of Lee Woodard; to the Committee on Claims.

By Mr. HENDRICKS:

H. R. 5226. A bill granting a pension to Nell H. Shacklette; to the Committee on Pensions.

By Mr. SIKES:

H. R. 5227. A bill for the relief of the estate of Alfred Lewis Cosson, deceased, and others; to the Committee on Claims.

By Mrs. WOODHOUSE:

H. R. 5228. A bill for the relief of Stephen Lisay; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1486. By Mr. GOODWIN: Resolution of St. Ann's Holy Name Society of St. Ann's Church, Boston, Mass., opposing compulsory military training; to the Committee on Military Affairs.

1487. By the SPEAKER: Petition of the Board of Supervisors of the City and County of Honolulu, T. H., petitioning consideration of their resolution with reference to immediate statehood for Hawaii; to the Committee on the Territories.

1488. Also, petition of the St. Paul Trades and Labor Assembly, petitioning consideration of their resolution with reference to their desire for enactment of laws proposed by President Truman to meet the labor situation; to the Committee on Expenditures in the Executive Departments.

1489. Also, petition of Dominic Ingrassia and others, petitioning consideration of their resolution with reference to the demobilization program; to the Committee on Military Affairs.

1490. Also, petition of the crew of the steamship *William H. Aspinwall*, petitioning consideration of their resolution with reference to endorsement of H. R. 2346; to the Committee on the Merchant Marine and Fisheries.

SENATE

THURSDAY, JANUARY 24, 1946

(Legislative day of Friday, January 18, 1946)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. Frederick Brown Harris, D. D., offered the following prayer:

O God whose will is peace, to the searching light of Thy effulgence we would open the shuttered rooms of our darkened minds. We come confessing the evils that shut Thee out, the narrow circles of self-sufficiency and self-centeredness which are the imprisoning bars of our spirits keeping us from the glorious liberty of more abundant life whose bounds are as broad as the mystic

oneness of humanity which, under all skies, stretches lame hands of prayer to the one God high over all. Having delivered us from fierce foes who plotted to put out the very light of our liberty, save us now from quenching that same precious flame by the angry breath of our own divisive contentions. In the overwhelming sense of Thy goodness, in humble gratitude to the God who has made and preserved us a nation, may we enter into unity with Thy purpose and become in some measure the instruments of Thy healing peace. In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The Chief Clerk read the following letter:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., January 24, 1946.
To the Senate:

Being temporarily absent from the Senate, I appoint Hon. BURNET R. MAYBANK, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

KENNETH McKELLAR,
President pro tempore.

Mr. MAYBANK thereupon took the chair as Acting President pro tempore.

ATTENDANCE OF A SENATOR

BURTON K. WHEELER, a Senator from the State of Montana, appeared in his seat today.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Miller, one of his secretaries.

JOURNAL OF THURSDAY, JANUARY
17, 1946

The Senate resumed the consideration of the motion of Mr. HOEY to amend the Journal of proceedings of the Senate of Thursday, January 17, 1946.

Mr. BANKHEAD obtained the floor.

Mr. BARKLEY. Mr. President—

Mr. BANKHEAD. I yield to the majority leader, if I may do so without losing the floor.

Mr. BARKLEY. I desire to make a point of no quorum, and I now make that point, if I am entitled to be recognized for that purpose.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	George	Magnuson
Bailey	Gerry	Maybank
Bankhead	Gossett	Mead
Barkley	Green	Millikin
Bilbo	Guffey	Morse
Brewster	Gurney	Murdock
Bridges	Hart	Murray
Briggs	Hatch	Myers
Buck	Hayden	O'Daniel
Bushfield	Hickenlooper	Pepper
Butler	Hill	Radcliffe
Byrd	Hoey	Reed
Capehart	Huffman	Revercomb
Capper	Johnson, Colo.	Robertson
Chavez	Johnston, S. C.	Russell
Cordon	Kilgore	Saltonstall
Donnell	La Follette	Shipstead
Downey	Lucas	Smith
Eastland	McClellan	Stanfill
Ellender	McFarland	Stewart
Ferguson	McKellar	Taft
Fulbright	McMahon	Taylor

Thomas, Okla.	Wheeler	Willis
Thomas, Utah	Wherry	Wilson
Tobey	White	Young
Walsh	Wiley	

Mr. HILL. I announce that the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from New York [Mr. WAGNER] are absent because of illness.

The Senator from Maryland [Mr. TYDINGS] is absent because of illness in his family.

The Senator from Florida [Mr. ANDREWS], the Senator from Nevada [Mr. CARVILLE], and the Senator from Wyoming [Mr. O'MAHONEY] are necessarily absent.

The Senator from Nevada [Mr. MCCARRAN] is absent on public business.

The Senator from Washington [Mr. MITCHELL] is detained on official business.

The Senator from Texas [Mr. CONNALLY] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations now being held in London.

The Senator from Delaware [Mr. TUNNELL] is absent on official business as a member of the Mead committee.

Mr. WHERRY. The Senator from Vermont [Mr. AIKEN] and the Senator from Minnesota [Mr. BALL] are absent because of illness.

The Senator from Illinois [Mr. BROOKS], the Senator from New Jersey [Mr. HAWKES], the Senator from North Dakota [Mr. LANGER], and the Senator from Oklahoma [Mr. MOORE] are necessarily absent.

The Senator from California [Mr. KNOWLAND] is absent on official business as a member of the Mead committee.

The Senator from Michigan [Mr. VANDENBERG] is absent on official business as a representative of the United States attending the first session of the General Assembly of the United Nations now being held in London.

The ACTING PRESIDENT pro tempore. Seventy-seven Senators having answered to their names, a quorum is present.

Mr. BARKLEY. Mr. President, will the Senator from Alabama yield, without losing the floor or any of his rights, in order that I may make a brief statement about the measure before the Senate and the parliamentary situation regarding it?

Mr. BANKHEAD. If there may be unanimous consent that I shall not lose my status.

Mr. BARKLEY. I ask that the Senator may yield to me briefly without losing the floor.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Kentucky may proceed.

Mr. BARKLEY. Mr. President, my only reason for making the request is that, because of other duties, I can be on the floor of the Senate only between the hours of 12 and 2, and I wish to make a brief statement about the measure under discussion, about my attitude toward it, and about the parliamentary situation, and in order that I may make the statement brief, so as not to take too much time, to which the Senator from

Alabama is otherwise entitled, I ask that I may make the statement without interruption.

Mr. President, in my capacity as a Member of the Senate, and in my capacity as majority leader of the Senate, I have always assumed the attitude that any committee of the Senate, after giving careful consideration to any measure, and after reporting the measure to the Senate and placing it upon the calendar, is entitled to have the measure considered by the Senate and voted upon. That has been my universal, longstanding attitude, and to that end I have sought to cooperate, to the best of my ability, with the chairmen of all committees, and the members of the committees, in bringing about the fair and just consideration of every measure reported by a committee.

The bill now under consideration was reported several months ago by the committee to which it had been referred, and it was placed on the calendar.

Prior to the adjournment of the Congress before the Christmas holidays, the Senator from New Mexico [Mr. CHAVEZ] announced publicly here in the Senate that at the first opportunity he might have following the adjournment and the convening of the second session of this Congress, he would move to consider Senate bill 101. All Senators had notice that the Senator from New Mexico intended to do that. He had the same right to do it that any other Senator or the chairman of any other committee or any member of a committee has to bring up any other measure. I recognize no difference between this measure and any other measure, insofar as the right to have it considered by the Senate is concerned.

The President of the United States has been mildly criticized on the assumption that he had some part in having this measure brought up at this time. I wish to say that, so far as I know, the President of the United States did not know that the Senator from New Mexico would move, on the day he did move, to bring this bill forward, and, so far as I know, he did not know when the Senator from New Mexico or any other Senator intended to move to bring the bill up for consideration in the Senate. At no time have I discussed with the President, nor has he discussed with me, or asked any information from me, as to when the bill would be brought forward for consideration.

We all know that the President is interested in the proposed legislation. He has endorsed it a number of times. He has recommended it to the Congress in more than one message and in public statements. He extended the life of the Fair Employment Practice Committee by Executive order. His predecessor, Mr. Roosevelt, created the Fair Employment Practice Committee by Executive order. He had a right to do that. He thought he was acting in the interest of the country when he did it, and in that conclusion I agree and concur completely.

I think President Roosevelt not only thought he was acting in the interest of unity and solidarity in the conduct of the war in creating this committee to see

that fair employment practices were adopted and pursued; I think he was so acting. I think President Truman was sincere and is sincere in advocating the enactment of the proposed legislation, without in any way undertaking to control the procedure in the Senate. I do not think he has attempted in any way to inject himself into the procedure so far as the timing of the consideration of the bill has been concerned. I feel like saying that, in justice to the President.

Mr. President, I assume some responsibility, and I do so unhesitatingly, for the fact that the bill is now under consideration. While I exonerate the President from attempting to inject himself into the matter of procedure, I accept my full responsibility for the part I played in it. Practically always it has been customary for chairmen of committees in charge of legislation to consult me as the majority leader as to the program and the propriety of attempting to bring forward any bill at any particular time, or at some time when it is convenient to do so.

The Senator from New Mexico [Mr. CHAVEZ] during the first week of this session sought me out to inquire when it would be desirable and feasible to bring this bill to the floor of the Senate for consideration. We discussed the matter. There was no urgent legislation awaiting the attention of the Senate. There was no bill on the calendar which was of sufficient urgency that we could not recess for 3 weeks during the Christmas holidays rather than to consider it. And since we have returned here only two bills have been reported by committees of the Senate to be added to the calendar. It occurred to me, and I so stated frankly to the Senator from New Mexico, that in that situation it seemed to me that the sooner this matter was brought to the Senate and disposed of one way or another, while there was a lag in legislative urgency in other matters, while we had time to consider it before other important measures might be reported from committees, the better.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BARKLEY. I asked not to be interrupted, but I yield to the Senator from Georgia.

Mr. RUSSELL. I am interested in the statement the Senator is making. I sat here and heard the distinguished majority leader ask the Senate not to take up any matter until after the message of the President of the United States had been received. I had assumed that that course would be followed and, therefore, was not even present at the later date when the bill was taken up by the Senate. I was absent because of my understanding that nothing was to be brought up until after the message of the President of the United States had been received.

Mr. BARKLEY. Mr. President, the Senator's understanding of that situation is not quite correct. I did on the first day of the session ask Senators not to bring forward bills, resolutions, or other matters until the President's mes-

sage was received, provided that it was received by the following Thursday, but that if it was not received by that time I would not ask Senators to forego their ordinary privilege of bringing before the Senate matters of that kind. I want to say now to the Senator from Georgia that I did not know that the Senator from New Mexico was going to bring up this bill on the day on which it was brought up or the motion was made, because I had gotten from him the impression that he did not intend to move to bring it up until the following week. That was last week. That may have been an erroneous impression on my part, but, at any rate, I was so ill-advised about his intention to bring it up on that day that I was at the time he made the motion in the barber shop having my hair trimmed. A page rushed down to tell me that a motion had been made to bring a bill up for consideration on the floor, and I rushed up to the Senate Chamber with one side of my head trimmed and the other side shaggy, in order that I might vote. I say that, Mr. President, in order to emphasize the fact that I did not know that the Senator from New Mexico was to bring the matter up on that day. But I do not regard that as material.

Mr. RUSSELL. It is my recollection that the able majority leader and the able minority leader asked Senators on both sides of the aisle not to ask to have any matter taken up, or even to go so far as to introduce any bills, until after the President's message had been received.

Mr. BARKLEY. If the Senator from Georgia was here when I made that statement he will recall that I asked that nothing be done until after the President's message had been received, but that if it was not sent here by the following Thursday I would not insist on Senators following that course.

Mr. CHAVEZ. Mr. President, will the Senator yield to me for one question?

Mr. BARKLEY. I do not want to take the time of the Senator from Alabama, and I want to complete my statement, but I yield to the Senator from New Mexico.

Mr. CHAVEZ. The fact still remains that I did consult the Senator from Kentucky, and I asked him if my motion would in any way interfere with any program the Senator might have in mind.

Mr. BARKLEY. The Senator is correct about that, and, for the reasons I have already indicated, I assured the Senator that so far as I was concerned, and so far as any program that was immediately available or urgent was concerned, I had no objection to his making his motion to bring up the bill for consideration by the Senate.

The motion being made at the time when it was on that particular day may have taken some Senators by surprise. It did me, to be frank about it. But I do not think that in any way subjects the Senator from New Mexico to criticism, because he had served notice before the recess that he would take advantage of the first opportunity to bring this bill forward and have it considered after the Senate reconvened. So much for that, Mr. President.

I wish to state that I have supported this proposed legislation. I supported it during the administration of Mr. Roosevelt, who inaugurated the Fair Employment Practice Committee. I supported it in the appropriations which were brought forward here for its maintenance. I supported it in the last session of Congress when the matter of appropriation was involved, and there was a delay due to the debate which took place. I was somewhat instrumental, I think, in bringing about the agreement that enabled the Fair Employment Practice Committee to go forward for the fiscal year ending next June 30.

I favor this legislation. I voted, Mr. President, to extend the arm of the Federal Government into every home and into every city and into every town in the United States and take from the homes and communities every able-bodied man available for military service without regard to race, color, creed, religion, ancestry, or origin. When we passed the draft law subjecting every able-bodied man in this country between certain ages to compulsory service in behalf of his country, in behalf of our institutions, in behalf of our way of life and our form of democracy, we made no exceptions, we made no exemptions on account of race or color or ancestry.

Mr. President, so far as I am concerned—and I do not assume to speak for anyone but myself—so far as I am concerned as a Senator from my State I do not see how I, having voted to subject men to compulsory military service in behalf of our institutions in wartime, can refuse to vote for the same kind of democracy in peace when the war has been won. The world is now in a chaotic condition. The people of the world are wondering what, after all, is to come out of this great struggle in behalf of all the people of the world. And especially are we in the United States of America wondering what will happen to our people.

I have never taken a poll or a census of the people of my State as to how they stand upon this proposed Fair Employment Practice Commission legislation. I am now receiving from my State telegrams threatening me with defeat if and when I again become a candidate, if I vote for this legislation.

Mr. President, I have always recognized the right of every citizen of my State to vote as he or she may see fit when I have been a candidate, and when any other man or woman has been a candidate for public office. I have not only recognized the right of all citizens to vote as they please when I am involved, but I know that they themselves recognize that right upon their part, and not only do they recognize it, but in my case they have exercised it. Hundreds of thousands of my fellow citizens in Kentucky always vote against me, and they have a right to vote against me. But I want to say, for the benefit of the United States Senate and for the benefit of the people of Kentucky, that whether it is 5 years hence when I might become a candidate for the United States Senate or for any other office, or whether it is in the midst of a current campaign in which I am involved as a candidate for

reelection, my vote has never been influenced and will never be influenced by any threat to defeat me, or by any effort to intimidate me with respect to the exercise of my own judgment here in regard to legislation which comes before the Senate of the United States. So far as those who are seeking to intimidate me now by threatening my defeat, if and when I should ever again become a candidate, are concerned, they might save their expenses for telegrams by withholding any such threats or intimidations, because they will not in the slightest degree influence me in my vote upon the pending legislation. I feel that all Senators worthy of occupying that office—and that includes all Senators present—feel the same way about efforts to intimidate Members of this body in matters of legislation upon which they have deep convictions.

I should like to say one further word. Not only have I always believed that any bill reported by a committee is entitled to the consideration of the Senate, but I have always believed that it was entitled to be brought to a vote in order that the Senate might express its will upon it. Believing that—as I have always believed ever since I have been in the Senate—I have never hesitated to vote for what we call cloture. It is a term not well understood by the people of the country. The other day I was asked by an outstanding businessman, who has been marvelously successful, to such an extent that he has retired from business at a reasonably young age and is enjoying life, what we meant by cloture. He had read about it in the newspapers. It is not a term which is familiar to the general public. I had to explain to him what we meant by cloture; that we called it cloture, but that it was really a motion to close debate, or go through the effort to close debate.

Believing that every measure brought to the Calendar of the Senate is entitled to consideration, and believing that the Senate is entitled to vote upon every such measure, I have heretofore voted to close debate. I have voted for cloture, and I have voted for it on the theory that if I voted for it in one case I was not automatically bound by any future implication of the rule of cloture which might embarrass me in the method in which I might consider future legislation coming before the Senate. In other words, every measure stands on its own bottom and its own merits; and the effort to restrain, restrict, or limit debate, and the vote upon the motion for cloture upon any measure do not in any way bind any Senator as to how he should vote in the future on some other cloture motion pertaining to some other legislation.

Therefore, Mr. President, I have always felt that when debate had run for a reasonable length of time and the Senate desired, by a two-thirds vote, to close debate—which really does not close debate, because every Senator has an hour, and if all Senators exercise that right, it means 96 hours before a vote can be had upon the matter—the Senate is entitled, as a right, to vote.

I have always felt, and I now feel—and I say this without offense to anyone, because I have the highest respect and

deepest affection for every Member of the Senate—that the filibuster as a legislative institution is unjustifiable and indefensible. This is the only body among all the legislative bodies in the world about which I know anything, where it is recognized as a legislative institution and is practiced. The legislature of my State met 2 weeks ago, and one of the first things it did was to adopt rules which would prevent anyone from delaying a vote on a measure in the Kentucky Legislature, on the theory that it has the right to vote on legislation which is brought forward. That is the way I feel about the United States Senate.

Therefore, Mr. President, if and when a motion is made to close debate upon the measure which is the unfinished business of the Senate, I not only intend to vote for that motion and for the closing of debate upon the pending measure, but I am ready, as I have heretofore been ready, to sign a petition to close debate so that the Senate of the United States may have an opportunity to express its will upon this legislation.

There is nothing new in my attitude on that subject. I have heretofore voted for cloture, and I have heretofore signed petitions for cloture. I am prepared now, and will be prepared in the future, when I think the time has come when the Senate is entitled to vote upon any measure, whether I favor the particular measure or do not favor it, to vote to bring it to a vote in the Senate by the kind of limitation of debate which the Senate has provided for in its rules.

Mr. President, I have taken more time than I intended, and I apologize to the Senator from Alabama, and thank him for giving me this opportunity to express my views upon the matter, because in all likelihood it would have been the only opportunity I would have had to express my feelings.

Mr. TAFT. Mr. President, will the Senator from Alabama yield to me for the purpose of asking the majority leader a question?

Mr. BANKHEAD. I have no objection. I should like to address a few remarks to this body.

Mr. TAFT. There will be but one question.

Mr. BARKLEY. Does the Senator from Alabama wish to yield to the Senator from Ohio?

Mr. BANKHEAD. I do not wish to yield for a debate.

Mr. BARKLEY. I will guarantee that there will be no debate. I may not even answer the question.

Mr. BANKHEAD. I yield for a question.

Mr. TAFT. I wonder if the Senator can suggest a parliamentary method—I have one or two in mind—by which a cloture petition could be filed?

Mr. BARKLEY. That question might involve a long discussion of the parliamentary situation, which I think would be unfair to the Senator from Alabama. Therefore I prefer not to go into the question at this time.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

EXTENSION OF INTERAMERICAN COFFEE AGREEMENT—REMOVAL OF INJUNCTION OF SECRECY FROM PROTOCOL

Mr. GEORGE. Mr. President, will the Senator from Alabama yield to me for the purpose of asking that the injunction of secrecy be removed from a treaty involving the extension of the inter-American coffee agreement of November 28, 1940?

Mr. BANKHEAD. I cannot do so without unanimous consent.

Mr. GEORGE. Mr. President, I ask unanimous consent that I may propound this request without interference with the right of the Senator from Alabama to the floor.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. GEORGE. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive A, Seventy-ninth Congress, second session, a protocol to extend for 1 year from October 1, 1945, with certain modifications, the inter-American coffee agreement signed in Washington on November 28, 1940.

The PRESIDENT pro tempore. Without objection, the injunction of secrecy will be removed from the protocol, and it will be published in the RECORD.

The protocol, with accompanying papers, is as follows:

THE WHITE HOUSE,
January 22, 1946.

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a protocol to extend for 1 year from October 1, 1945, with certain modifications, the inter-American coffee agreement, signed in Washington on November 28, 1940. The protocol was open for signature at the Pan American Union in Washington from September 1, 1945, until November 1, 1945, and during that period was signed for the United States of America, "subject to ratification," and for the 14 other American Republics which became parties to the inter-American coffee agreement.

With the protocol of extension, I transmit for the information of the Senate a report on the protocol made to me by the Acting Secretary of State.

I consider it important that the Senate give early consideration to the protocol.

HARRY S. TRUMAN.

[Enclosures: (1) Report of the Acting Secretary of State; (2) protocol extending the inter-American coffee agreement—certified copies in the English, Spanish, Portuguese, and French languages.]

DEPARTMENT OF STATE,
Washington, January 16, 1946.

The PRESIDENT,

The White House:

The undersigned, the Acting Secretary of State, has the honor to lay before the President, with a view to its transmission to the Senate to receive the advice and consent of that body to ratification, if his judgment approve thereof, a protocol to extend for 1

year from October 1, 1945, with certain modifications, the inter-American coffee agreement, signed in Washington on November 28, 1940. The protocol, in accordance with the provisions of article 4 thereof, was open for signature at the Pan American Union in Washington from September 1, 1945, until November 1, 1945, and during that period was signed for the United States of America, "subject to ratification," and for the 14 other American Republics which became parties to the inter-American coffee agreement.

The protocol retains the framework of the inter-American coffee agreement for a 1-year period but suspends the provisions of articles I to VIII, inclusive, of that agreement, which relate to coffee quotas, with the exception that, under emergency conditions, such articles of the agreement shall again become effective upon a motion approved by at least 95 percent of the total vote of the Inter-American Coffee Board.

Article 3 of the protocol provides that during the 1-year period for which that protocol extends the agreement the Inter-American Coffee Board shall undertake to prepare a thorough analysis of the world coffee situation and shall formulate recommendations, for the consideration of the governments now participating in the agreement and of other governments which might be interested in participating in a revised agreement, regarding the type of international cooperation that appears most likely to contribute to the development of sound, prosperous conditions in international trade in coffee equitable for both producers and consumers.

The 1-year extension provided for by the protocol has been recommended by an inter-departmental committee consisting of representatives of the interested agencies of the United States Government, and that recommendation approved by the Executive Committee on Economic Foreign Policy. The domestic coffee trade has indicated that it is agreeable to the extension of the agreement for 1 year under the terms set forth in the protocol.

Information on the background and purposes of the coffee agreement is set forth in the report of January 8, 1941, by the Secretary of State to the President (S. Exec. A, 77th Cong., 1st sess.).

Advice and consent to ratification of the coffee agreement was given by the Senate on February 3, 1941. The agreement was ratified by the President on February 12, 1941, and the instrument of ratification by the United States deposited with the Pan American Union on April 14, 1941. On April 15, 1941, a protocol was signed at Washington, bringing the agreement into force on April 16, 1941, among the governments which had at that time deposited ratifications or approvals of the agreement. The Congress of the United States, by joint resolution approved April 11, 1941, provided for the carrying out of the obligations of the United States under the agreement on and after the entry into force of the agreement and during the continuation in force of the obligations of the United States thereunder (55 Stat. 133).

The agreement, which was to expire on October 1, 1943, was twice extended without modification for 1-year periods by unanimous approval of the signatory countries. That action was taken pursuant to the provisions of article XXIV of the agreement, which authorize the continuation of the agreement upon acceptance by all participating governments of a recommendation by the Inter-American Coffee Board that the duration of the agreement be extended. Those extensions also were approved by the domestic coffee trade.

Inasmuch as the protocol is to remain in effect for only 1 year from October 1, 1945, the Department of State recommends its

early approval by the Government of the United States of America.

Respectfully submitted,

DEAN ACHESON,
Acting Secretary.

[Enclosure: Protocol extending the Inter-American coffee agreement—certified copies in the English, Spanish, Portuguese, and French languages.]

PROTOCOL FOR THE EXTENSION OF THE INTER-AMERICAN COFFEE AGREEMENT FOR 1 YEAR FROM OCTOBER 1, 1945

Whereas an Inter-American Coffee Agreement (hereinafter referred to as "the Agreement") was signed in Washington November 28, 1940;

And whereas by a protocol signed in Washington on April 15, 1941, the Agreement was regarded as having come into force immediately in respect of the Governments signatory to that protocol;

And whereas it was provided in the said Agreement that it should continue in force until October 1, 1943;

And whereas by unanimous consent the Governments signatory to the Agreement have twice extended the said Agreement unchanged for one-year periods, these extensions being duly attested by two certified and signed Declarations passed by the Inter-American Coffee Board on May 12, 1943, and July 25, 1944, respectively, which were duly deposited in the Pan American Union on June 11, 1943, and September 11, 1944, respectively, in accordance with the procedure established in Article XXIV of the Agreement.

Now, therefore, in support of a recommendation made by the Inter-American Coffee Board on June 13, 1945, the Governments signatory to the present protocol, considering that it is expedient that the Agreement should be prolonged for a further term, subject to the conditions stated below, have agreed as follows:

ARTICLE 1

Subject to the provisions of Article 2 hereof, the Agreement shall continue in force between the Government signatory to the present protocol for a period of one year from October 1, 1945.

ARTICLE 2

During the period specified in Article 1 above, the Governments signatory to the present protocol agree that the provisions of Articles I through and including VIII of the Agreement shall be inoperative, except that, under emergency conditions, such articles of the Agreement shall again become effective upon a motion approved by at least a 95% of the total vote of the Inter-American Coffee Board.

ARTICLE 3

a. The Governments signatory to the present protocol agree that, during the period specified in Article 1 above, the Inter-American Coffee Board shall undertake to prepare a thorough analysis of the world coffee situation and shall formulate recommendations, for the consideration of the governments now participating in the Agreement and of other governments that might be interested in participating in a revised agreement, regarding the type of international cooperation that appears most likely to contribute to the development of sound, prosperous conditions in international trade in coffee equitable for both producers and consumers.

b. Such recommendations shall take due account of any general principles of commodity policy embodied in any agreement which may be concluded under the auspices of the United Nations prior to the submission of such recommendations.

ARTICLE 4

The present protocol shall be open for signature at the Pan American Union from

September 1, 1945, until November 1, 1945: *Provided, however,* That all signatures shall be deemed to have effect as of October 1, 1945.

In witness whereof the undersigned, being duly authorized thereto by their respective Governments, have signed the present protocol.

Done at the city of Washington in English, Spanish, Portuguese, and French. The original instrument in each language shall be deposited in the Pan American Union and certified copies shall be furnished to the Governments signatory to this protocol.

Brazil:

(Sgd.) E. PENTEADO

Colombia (ad referendum):

(Sgd.) EMILIO TORO

Costa Rica:

(Sgd.) J. RAFAEL OREAMUNO

Cuba (sujeito a ratificación por el Senado):

(Sgd.) GUILLERMO BELT

Dominican Republic:

(Sgd.) EMILIO GARCÍA GODOY

Ecuador (ad referendum):

(Sgd.) JORGE REYES

El Salvador:

(Sgd.) HÉCTOR DAVID CASTRO

Guatemala (ad referendum):

(Sgd.) ENRIQUE LÓPEZ HERRARTE

Haiti:

(Sgd.) ELIE GARCIA

Honduras:

(Sgd.) JULIÁN R. CÁCERES

Mexico:

(Sgd.) RAFAEL DE LA COLINA

Nicaragua (ad referendum):

(Sgd.) ALBERTO SEVILLÁ SACASA

Peru (ad referendum):

(Sgd.) H. FERNÁNDEZ DÁVILA

United States (subject to ratification):

(Sgd.) DEAN ACHESON

Venezuela (ad referendum):

(Sgd.) M. A. FALCÓN BRICEÑO

I hereby certify that the foregoing document is a true and faithful copy of the original of the protocol for the extension of the Inter-American Coffee Agreement from October 1, 1945, deposited in the Pan American Union on November 1, 1945.

WASHINGTON, D. C., December 5, 1945.

[SEAL]

L. S. ROWE,

Director General of the
Pan American Union.

REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES — CIVILIAN EMPLOYMENT IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

Mr. BYRD. Mr. President, will the Senator yield to me for the purpose of submitting a report from the Joint Committee on Reduction of Nonessential Federal Expenditures?

Mr. BANKHEAD. I yield, with the understanding that my right to the floor shall not be prejudiced.

Mr. BYRD. I ask unanimous consent to submit a report from the Joint Committee on Reduction of Nonessential Federal Expenditures.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. BYRD. Mr. President, personnel figures for November 1945, as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures, show a total of 3,215,423 employees for the executive branch of the Federal Government. This is a decrease of 162,250 from the October figure of 3,377,673.

This reduction would prove heartening to those wishing to place the Government on an economic and efficient pre-war basis were it not that, except for reduction in employment in War and

Navy, Federal personnel actually increased 4,168 during the month of November. Civilian reductions for the War and Navy Departments, both continental and abroad, show a net reduction of 166,418 from the previous figure.

The increases are accounted for largely by additions of 10,350 in Reconstruction Finance Corporation, of 6,468 in Veterans' Administration, and of 1,032 in the Post Office Department. Nineteen other agencies increased their employees, bringing the total to 18,580 new employees; while 30 agencies (excluding War and Navy) decreased employment only 14,412.

I have constantly brought to the attention of the President, the Congress, and the people of the Nation the necessity for reducing personnel. If we are to reduce taxes, this is one way to do it. No one knows this better than the Congress, which must face this issue immediately.

Yet the fact remains that the agencies are not reducing their personnel, despite the cessation of wartime demands. It is true that in certain instances agencies have been terminated. A few are even now in the process of liquidation. But what has become of their personnel? To a very great extent they have been transferred to other agencies.

Much of such reduction as has taken place has been in industrial employees, not in white-collared personnel.

In August, when the war ended, the Labor Department had 6,346 employees. Today it has 34,596. Most of these employees came from the War Manpower Commission, the National War Labor Board, and the Office of War Mobilization and Reconversion. In August the State Department had 11,188 employees. Today it has 18,943 because of transfers from the Office of War Information, Office of Inter-American Affairs, and Office of Strategic Services. Reconstruction Finance Corporation has doubled its employment since VJ-day.

As Congress makes its plans for the coming fiscal year not only serious thought but action is needed if run-away expenditures are to be curtailed. If 2,000,000 employees were dropped from the Federal rolls, there would still be several hundred thousand more than there were in 1939. Surely these would suffice to carry on necessary added functions occasioned by the war aftermath. The pay-roll savings from this reduction would undoubtedly not only tend to bring the Budget into balance for the first time in 17 years, but it would also bring about a solely needed reduction in the Federal debt.

The agencies will not voluntarily do this. It is up to the President and to the Congress.

From the Joint Committee on Reduction of Nonessential Federal Expenditures, I ask unanimous consent to submit for printing in the RECORD a report relating to civilian employment of the executive branch of the Federal Government by departments and agencies for the months of October and November 1945 showing the increases and decreases in the number of paid employees.

There being no objection, the report was received and ordered to be printed in the RECORD, as follows:

Civilian employment of the executive branch of the Federal Government, by departments and agencies, for the months of October and November 1945, showing the increases and decreases in number of paid employees

Departments or agencies	1945		Increase (+) or de- crease (-)
	Octo- ber	Novem- ber	
EXECUTIVE OFFICE OF THE PRESIDENT			
Bureau of the Budget.....	743	741	-2
EXECUTIVE DEPARTMENTS			
Agriculture Department.....	89,019	87,664	-1,355
Commerce Department.....	36,227	36,024	-203
Interior Department.....	44,085	43,397	-688
Justice Department.....	25,709	25,213	-496
Labor Department.....	35,360	34,596	-764
Navy Department.....	604,898	591,538	-13,360
Post Office Department.....	443,942	444,974	+1,032
State Department.....	21,078	18,943	-2,135
Treasury Department.....	94,556	94,762	+206
War Department ¹	900,771	844,048	-56,723
NATIONAL WAR AGENCIES			
Civilian Production Admin- istration ²	5,367	3,934	-1,433
Committee on Fair Em- ployment Practices.....	53	55	+2
Office of Alien Property Custodian.....	613	600	-13
Office of Censorship ³	134	0	-134
Office of Defense Trans- portation.....	663	374	-289
Office of Inter-American Affairs.....	615	602	-13
Office of Price Adminis- tration.....	42,301	40,034	-2,267
Office of Scientific Re- search and Develop- ment.....	1,084	934	-150
Office of Strategic Serv- ices ⁴	1,066	0	-1,066
Office of War Information.....	23	6	-17
Office of War Mobiliza- tion and Reconversion.....	581	608	+27
Petroleum Administration for War.....	529	281	-248
Selective Service System.....	17,390	17,043	-347
Smaller War Plants Cor- poration.....	1,588	1,684	+96
War Shipping Adminis- tration.....	5,191	5,045	-146
INDEPENDENT AGENCIES			
American Battle Monu- ments Commission.....	1	1	-----
Civil Aeronautics Board.....	380	407	+27
Civil Service Commission.....	6,006	5,220	-786
Employees' Compensation Commission.....	526	546	+20
Export-Import Bank of Washington.....	70	70	-----
Federal Communications Commission.....	1,522	1,477	-45
Federal Deposit Insur- ance Corporation.....	1,174	1,175	+1
Federal Power Commis- sion.....	665	678	+13
Federal Security Agency.....	31,975	31,763	-212
Federal Trade Commis- sion.....	449	450	+1
Federal Works Agency.....	20,474	20,503	+29
General Accounting Office.....	13,786	13,943	+157
Government Printing Office.....	6,995	7,031	+36
Interstate Commerce Commission.....	2,021	2,025	+4
Maritime Commission.....	9,149	8,619	-530
National Advisory Com- mittee for Aeronautics.....	6,168	5,947	-221
National Archives.....	336	343	+7
National Capital Hous- ing Authority.....	235	246	+11
National Capital Park and Planning Commis- sion.....	17	17	-----
National Gallery of Art.....	271	275	+4
National Housing Agency.....	14,488	14,380	-108
National Labor Rela- tions Board.....	792	860	+68
National Mediation Board.....	97	100	+3

Footnotes at end of table.

Civilian employment of the executive branch of the Federal Government, by departments and agencies, for the months of October and November 1945, showing the increases and decreases in number of paid employees—Continued

Departments or agencies	1945		Increase (+) or de- crease (-)
	Octo- ber	Novem- ber	
INDEPENDENT AGENCIES— continued			
Panama Canal.....	32,029	31,580	-449
Railroad Retirement Board.....	1,797	1,690	-107
Reconstruction Finance Corporation.....	15,878	26,228	+10,350
Securities and Exchange Commission.....	1,149	1,164	+15
Smithsonian Institution..	420	419	-1
Tariff Commission.....	285	267	-18
Tax Court of the United States.....	119	122	+3
Tennessee Valley Author- ity.....	12,026	11,857	-169
Veterans' Administration..	79,995	86,463	+6,468
Total.....	2,643,881	2,568,966	{ -93,495 +18,580
Net decrease.....			{ -74,915 -87,335
War Department ^a	733,792	646,457	
Grand total.....	3,377,673	3,215,423	{ -180,830 +18,580

¹ Does not include employees stationed outside the continental United States.

² Includes employees transferred from the War Production Board which terminated as of Nov. 1, 1945.

³ Terminated as of Nov. 15, 1945.

⁴ Terminated. Employees transferred are now included in State Department and War Department totals.

⁵ Includes employees stationed outside the continental United States, except those of the War Department. Total for October, 113,063; and November, 106,324.

⁶ Employees stationed outside the continental United States, reported quarterly as of Sept. 30, 1945.

NOTE.—Employment figures now reported to the committee include dollar-per-annum and without-compensation employees of the consultant-expert type who are authorized to receive per diem in lieu of subsistence.

ADDRESS BY SENATOR LA FOLLETTE AT TESTIMONIAL DINNER TO HON. LEO T. CROWLEY

(At this point, by unanimous consent, Mr. BANKHEAD yielded to Mr. MEAD, who, on behalf of Mr. WAGNER, asked and obtained leave to have printed in the RECORD an address delivered by Senator LA FOLLETTE at a testimonial dinner to Hon. Leo T. Crowley at Madison, Wis., on January 10, 1946, which appears in the Appendix.)

PRESIDENTIAL SUCCESSION—REPORT OF COMMITTEE ON PRIVILEGES AND ELECTIONS

Mr. GREEN. Mr. President, will the Senator from Alabama yield to me for the purpose of submitting a report from the Committee on Privileges and Elections, and also to present a joint resolution passed by the General Assembly of Rhode Island

Mr. BANKHEAD. I yield, provided I do not lose my right to the floor.

Mr. GREEN. Mr. President, from the Committee on Privileges and Elections, I ask unanimous consent to report without amendment the concurrent resolution (S. Con. Res. 50) relating to the succession to the Presidency of the United States, and I submit a report (No. 892) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received and, under the rule, the concurrent resolution will be referred to the Committee

to Audit and Control the Contingent Expenses of the Senate.

THE CLOTHING SITUATION IN RHODE ISLAND—RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY

Mr. GREEN. Mr. President, I ask unanimous consent to present for appropriate reference and printing in the RECORD a resolution adopted by the General Assembly of Rhode Island requesting the Congress to take up with the Office of Price Administration the matter of the clothing situation in Rhode Island.

There being no objection, the resolution was received, referred to the Committee on Banking and Currency, and, under the rule, ordered to be printed in the RECORD, as follows:

Joint resolution requesting the Senators and Representatives from Rhode Island in the Congress of the United States to take up the matter of the clothing situation in Rhode Island with the Office of Price Administration in Washington, D. C., to see if there cannot be a greater increase in the amount of men's clothing sent to Rhode Island

Whereas the supply of men's clothing for Rhode Island seems to be insufficient for the demand which at the present time, when so many veterans are being separated from the armed forces, and are trying to outfit themselves with civilian apparel creates a real hardship: Now, therefore, be it

Resolved, That the Senators and Representatives from Rhode Island in the Congress of the United States be and they are earnestly urged to take up with the Office of Price Administration in Washington, D. C., the matter of the clothing shortage in Rhode Island to see if there cannot be a greater increase in the amount of men's clothing sent to Rhode Island; and be it further

Resolved, That the secretary of state be and he hereby is directed to transmit duly certified copies of this resolution to the Senators and Representatives from Rhode Island in the Congress of the United States and to the Administrator of the Office of Price Administration in Washington, D. C.

JOURNAL OF JANUARY 17, 1946

The Senate resumed the consideration of the motion of Mr. HOEY to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. BANKHEAD. Mr. President, I hope there will be no further requests for me to yield. Senators will have all day to submit routine matters.

Mr. SMITH. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH. When will it be possible for us to submit matters for insertion in the RECORD? We are shut off when we try to submit them.

The PRESIDENT pro tempore. It can be done at this time only by unanimous consent.

Mr. BANKHEAD. Mr. President, I have yielded considerable time. I hope there will be no further requests. I do not wish to be discourteous, but I desire to proceed. If I were engaged in an absolute filibuster, I should invite all these delays, but I should like to proceed with what I conceive to be an argument on the bill. I hope Senators will allow me to do so.

The PRESIDENT pro tempore. Does the Senator from Alabama decline to yield?

Mr. BANKHEAD. Yes; I shall decline to yield further, because I do not see any end to it.

Mr. President, during the last 3 or 4 days we have had a very high-class discussion of the merits of the pending measure. Some of the ablest Members of the Senate have addressed it on the real merits of this controversy. They have had very few Senators in attendance to hear their really meritorious arguments. Unfortunately, Senators on both sides of the Chamber—and I am making no charges; I am simply deploring the situation—have manifested very little interest in this discussion. Of course, that comment does not apply to every Senator; there have been some Senators who have been here and have listened to what has been said. But as a rule there have been very few Senators in attendance.

How are we going to have decided on its merits and on the basis of the mature judgment of Senators a measure of such magnitude and complications and ultimate results if they will not stay here and hear at least some of the arguments? Unfortunately, Mr. President, the news columns have carried very few of the arguments which have been made here against this measure. So far as I have been able to ascertain from the newspapers I have had an opportunity to read, practically none of the really meritorious arguments have been carried to the people of this country by the newspapers. As we know, for months there has been, apparently, an organized group arranging with radio commentators to discuss or convince some of them that they should discuss from time to time this measure which some persons seek to content themselves by calling a fair employment practice bill. There has been no organized group in opposition to the bill. I do not know of a single speech which has been made over the radio in opposition to it, although scarcely a week passes that a representative of some group, possibly, does not speak on the radio denouncing the opponents of the measure.

Mr. President, we know that many Members of the Senate, on both sides of the aisle, are already committed to vote for or against this bill. But those who are favorable to it at least owe to those of us who are on the other side of the question the duty of hearing the arguments in opposition. Most of them decline to do so. I submit that one of the evils of our legislative system is that individual promises to vote for or against a measure often are made by Members of Congress to groups or to individuals who approach them, and then those Members of Congress come to the sessions of Congress with their hands tied, so that they cannot consider the subject from a conscientious standpoint, for they are already obligated to vote a certain way. Under those circumstances, of course, they will not stay in attendance at the sessions of Congress and listen to the arguments made on the merits of a controversy. Members of the Senate who are in that position—Senators on either or on both sides of the aisle—in the main will not remain here to learn of the real arguments which bear on a con-

trovery, if they have committed themselves in advance to vote a certain way on it before coming to the sessions of the Senate and before a word has been said in the Senate for or against the measure.

Mr. SMITH. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. I yield.

Mr. SMITH. I should like to point out to the Senator that I have been present during the entire debate, trying to understand the views of those who are endeavoring to hold up this proposed legislation. I have tried to obtain the floor in order to express views in favor of the measure, but thus far I have been unable to obtain the floor. I wonder what the procedure is for having those on our side of the question state our position, as well as to have those on the other side state theirs.

Mr. BANKHEAD. Mr. President, I appreciate the Senator's purpose; I have seen him here. But all Senators know that we on this side of the question are required, by the threat of action by a powerful majority, to hold the floor, at least if we can, until we can present to the Senate and the country, and make a record of it for the future consideration of the people of this country, the reasons why this bill should not be passed.

I welcome the statement of the Senator from New Jersey. I am glad he has been present. I did not know he had been trying to obtain the floor. I have not heard him make any expression on the subject, or heard him make an effort to obtain the floor. Has the Senator asked for the floor? I assume that the asking of this question by me will not be objected to; otherwise I shall not ask it.

Mr. SMITH. I did request recognition yesterday, several times, in order to present an amendment. I requested recognition three or four times, but I could not obtain it.

I realize that those who oppose this measure control the Chair. As a Member of the Senate, I think the Senate should at least permit us to have a chance to state our side of the case, as well as to let those on the other side of the question state their views on it. I think that is the true American way to proceed. When the Senator concludes, I shall endeavor to make an address on this subject.

Mr. BANKHEAD. Mr. President, I do not desire to misrepresent the position of the Senator from New Jersey on this subject. Did he say he was for or against the bill?

Mr. SMITH. I am in favor of the bill and I should like to be heard on it, so that at least some of us who are in favor of the measure may express our views, rather than to have all the views which are expressed be those of Senators who are opposed to the bill.

Mr. BANKHEAD. Mr. President, the Senator from New Jersey will have ample time to do so. He will not have to be recognized during the first day or two of the debate. As the debate proceeds, I assume he will be recognized. Certainly I hope he will be if he will help defeat cloture in connection with this measure.

Mr. President, there need be no evasion about this matter. The Senator from New Jersey certainly knows that an effort is being made to cut off debate on the measure, so that neither those of us on this side of the question or the Senator from New Jersey himself will have an opportunity to discuss freely the merits of the bill. So long as a majority remains here with that expressed determination, with that threat stated to the press every day, then, of course, the Senator from New Jersey must understand that it will be necessary for those of us who are opposed to this iniquitous measure to stand up here and present our views as best we can.

Mr. SMITH. If the Senator will yield further, I may say that I believe he is entitled to present his views, but I object to having injected into the presentation of his views a debate concerning the Journal, which has nothing to do with the subject now before the Senate.

Mr. BANKHEAD. I do not mind whether the Senator objects. I expect him to object to everything that I may say or do on this occasion. He is a partisan and I am standing on my rights. The Senator may object as much as he pleases. He may sit in the Chamber, or he may leave, just as nearly all his colleagues have done. So I will not pay much attention to the attitude of the Senator from New Jersey.

Mr. WHERRY. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. I yield without prejudice to my rights.

Mr. WHERRY. I believe that some of us are deeply interested in the remarks of the distinguished Senator from Alabama. I am always interested in whatever he has to say. I have served with him in connection with matters pertaining to agriculture, as well as in connection with OPA legislation. I wish the Senator to note that many Senators on this side of the Chamber are present and are taking an interest in this debate. Moreover, we have been taking an interest in it from its beginning.

Mr. BANKHEAD. Mr. President, I recognize the truth of what the Senator has said. I endeavored to make it clear that there were exceptions to the statement which I made. I did not intend to have the statement applied solely to the Republican side of the Chamber, as the Senator well knows.

Mr. TAFT. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield for a question only.

Mr. TAFT. I wish to invite the attention of the Senator from Alabama to the fact that there are now present in the Chamber 10 Democrats and 9 Republicans. Therefore the relative percentage of representation is about equal.

Mr. BANKHEAD. My good friend the Senator from Ohio knows that there was no implication in what I said which would indicate in any way that the absent Senators and the display of indifference to the arguments which are being made in opposition to the bill are confined to the Republican Members of the Senate.

Mr. President, I have not attempted to make this a political discussion. That

is not my purpose. As the Senator from Nebraska [Mr. WHERRY] well knows, I appreciate his friendship. I regard him as one of the ablest Members of this body. He is attentive to his duties. I have worked closely with him. So, Mr. President, if other Senators have not found it out up to this time, I wish it to be known that I am trying to present this matter to Democratic and Republican Members who are favoring the pending measure. I do not think that the measure is a party one. I think it is a sectional measure. I believe that to a large extent the opponents and supporters of this measure, including those on both sides of this Chamber, are divided by the old Mason and Dixon's line. Does any Senator take issue with that statement? I am glad to note there are exceptions, but, in the main, nearly all Democrats on this side of the Chamber, except southern Democrats who really know the situation, are supporting the pending bill. Some of them call themselves progressives or liberals. I shall not impugn their motives. There are, of course, other reasons for many of them taking a position for or against the bill, other than the division which may exist between the North and the South. Such division has been the origin and cause of many racial measures which have come before this body being met with the same line-up that now confronts the pending bill. No one may tell me that liberal Republicans, liberal Democrats, conservative Republicans, and conservative Democrats would line up along the Mason and Dixon's line, figuratively speaking, in connection with legislation such as this. There are some worthy and noble exceptions. But I am thinking of the mass of votes which would be lined up in connection with all questions of this nature unless there were involved something more than the merits of the measure.

Mr. President, since the debate started, during which time several Senators have expounded their reasons and philosophy in opposition to the bill, I have been impressed by the small attendance on both sides of the Chamber. I have been reminded of the statement which was made by an old primitive Baptist preacher in my home county. He represented the sect which is sometimes known as Hard Shells. Those people are just as good as any in the world. They will not allow a man to remain in their church unless he has paid his debts. Therefore, Mr. President, you may know that they are good citizens. However, in the main, they are country people. When the preacher takes the platform he preaches an hour and a half or 2 hours. Nearly always there are two preachers present at each service. Shortly after the Civil War ended one of those worthy men was invited by relatives in Baltimore to visit them there. He accepted the invitation. While in Baltimore he was invited to preach in one of the churches there. He accepted the invitation. After he had returned home his friends and relatives were anxious to receive a report from him with reference to his visit in Baltimore. After describing many

things, the old preacher got down to the subject of his church experiences in Baltimore. He said that when the services started there was as fine looking a congregation of men and women as he had ever seen. He said that the people of the church were well dressed and intelligent in appearance. He said he welcomed the opportunity to preach to them, but that after he had preached about an hour he observed a great restlessness in the congregation. The members of the congregation were not so attentive as had been his home folks. They did not seem to be patient. After he had preached an hour and a half he looked around and observed that many members of the congregation had left the church, and the congregation was getting rather thin. When he had preached 2 hours he noted that there were none in the congregation except the relatives who had gone to church with him. He said, "I made up my mind that those city people could not stand sound doctrine." [Laughter.]

Mr. President, I think that has been the difficulty in the Senate. Many Senators who are committed to the groups who are supporting the pending measure are afraid that something might disturb their consciences. They are afraid that some little spark of reason in their mentality might be stirred by what they hear, and bring about a reconsideration of this measure. Therefore, they are afraid to listen to sound doctrine. They are entirely unwilling to do so.

Some persons complain about a filibuster. The only way to get Senators to hear our side of the argument is to take plenty of time about it. Occasionally some Member of the Senate on the other side of the Chamber may drift in. Some Member may remain for the purpose of obtaining recognition—as I have already observed. That gives us an opportunity to reason with him, although he may be too thoroughly committed to be affected by the reasoning. But it is our right and duty, as I conceive it, to take advantage of every opportunity which may be made available to us to be heard on this question concerning which there has been such great disinclination to listen to argument.

It is now just 1 o'clock and there are six Senators on the other side and eight Senators on this side. I do not mention that to show that there are more Senators on one side than on the other; I mention it to show how few of the total of 96 Senators are in attendance at 1 o'clock. Surely they are not drawn out of the Chamber because of hunger at this time of the day. Many of them, I suspect, do not partake of breakfast until 10 o'clock in the morning or at least long after we farmers have our breakfast. But they become hungry again very quickly and so they have gone out to eat. I will say for the benefit of the Senator from Ohio that I apply that to both sides of the Chamber. I am not making a particle of discrimination. I am making an appeal more to the people who live north of the Mason and Dixon's line and who have not studied this question, as few, indeed, have. That is the group I am appealing to.

Mr. President, I should like to have some way of finding out how many Members of this body who have made up their minds about this bill have actually examined with care its provisions. I should like, if I could, to find out what sort of a civil-service examination or a bar examination the lawyer members of the Senate could stand if put to the test upon the provisions of this bill and its construction on the various points which have been developed here by previous speakers in opposition to it. That is one of the troubles, as I said, with its commitments in advance. That is one of the difficulties that the minority must suffer. Senators come here and say "We are trying to protect minorities"—the colored people in the main—but they want to accord no protection to the minority in the Senate of the United States that does not agree with them. They will not even listen to their arguments. I do not mean the few Senators who are here now. I am talking about the great mass of 96 Senators who will not even listen to this debate, who will not read anything about it, and who will not get a chance to hear anything about it on the radio, because the radio commentators do not say anything on our side of the subject. They are with the majority. So we hear nothing on the minority side. The proponents of the bill care nothing about protecting the rights of Senators who are in the minority on this question. They want to invoke cloture although this is a measure which ought to stand the test of debate on its merits day after day as any other measure of its importance and complications would do and as the pending bill would do but for the pressure of minority groups and for the publicity accorded to their viewpoint by the newspapers and the radio commentators. We are trying to present the merits of one of the most fundamental measures ever presented to the Congress, a bill that affects property rights, that affects personal freedom, that affects free enterprise, that involves the right to trial by jury, that involves other great fundamental questions, but those who favor the bill are unwilling to see anything in it but the protection of the Negroes.

I shall not charge Senators with being motivated by a desire to get votes. That is a matter for the public to pass on; but the supporters of this measure are not confined to States with very large Republican votes. I shall discuss that a little more fully later on.

This measure has been here for a long time. It has been in the public mind; it has been under public agitation. I will not say it has been under discussion, because there is no organized group to fight it and to present their side to the public; but there have been groups, from Communists down or up, whichever way it may be desired to consider them, Communist groups, national Socialist groups, left-wingers, reformers, colored people, and all that class, agitating for the passage of a bill, and all some Senators have done is to decide the question on the basis of the title of the bill and by the enticing and intriguing statement of principles involved—fair employment practices. That is all many people know

about this bill. It sounds good, oh, yes; it sounds good. Nobody resists that beautiful formula of human conduct and of citizenship.

But that is as far as many people have really gone in the consideration of the merits of this measure and of the fundamental constitutional questions it involves. As a result of the long pendency of the proposal and the agitation in its behalf, of course, in the very nature of events, many men in public life have been committed to this measure.

We are all prone, Mr. President, if I may speak with perfect frankness, to agree with our constituents who send us here and who have the power to keep us here or to retire us from public life, and when it is made to appear that everyone who has an opinion on this subject is in favor of it we are prone to agree with them and to commit ourselves to that side of the question, and, unhappily and unfortunately, men are not thereafter open to a decision based upon logic and upon knowledge of the principles involved in the bill.

It has been said that the Republican Party in its platform endorsed this bill. I deny that. The Republican Party endorsed a fair employment practice bill. I am sure no responsible member of the Republican Party will assert that the merits, the details, of this bill, the principles involved in it which we are now discussing, were under consideration by the convention or even by the platform committee, but there was this formula, this enticing slogan, "fair employment practice bill."

I do not believe that many Republicans would have agreed to just anything written under that slogan, as has been done here. I do not know who wrote this bill, but it was written by some draftsman of the New Deal administration, under the direction, it has been testified, of President Roosevelt. Back in the early days he had one of the most capable legal draftsmen who ever appeared in Washington. He could put more meat and more poison in a measure and use prettier language in making it sound attractive than anyone else. All Senators know about that. I do not know whether he wrote this bill or not, but I know there was an attempt to conceal in it important fundamental principles to which the Republicans never have consented, and to which the old-line fundamental Democrats never consented.

Of course, I have no right to speak for the Republican Party and have never tried to do so. I respect them. I have some very good friends who are members of that party, and I have no purpose in the world to say anything that is offensive to them. But I do not believe that if the details of the bill were written out and submitted to thoughtful Republican leaders they would consider giving their blanket endorsement to all the principles involved in the bill. It is inconsistent with the general policy and doctrine of the leaders of the Republican Party, and, of course, we all know it is inconsistent with the philosophy of the old-line fundamental Democrats in the Southern States, who have done so much to sustain and retain the American way of life, who

have resisted encroachments upon State rights, who have fought by all sorts of means the centering of so much power in the Federal Government, to be administered from Washington.

Now those who are back of such measures as this are joining the left-wingers. That is what they are doing. They are turning their backs upon men who have believed in sound principles, and are joining the Bolshevik crowd, the Communist crowd, and the advocates of national socialism. I believe any impartial student of the provisions of this bill will concede that it is full of national socialism.

Mr. President, this bill should be termed "the star chamber court bill." Why do I say that? What was the Star Chamber? Of course, most of those within the sound of my voice know what it was, but some people who read the record will not get much light in the newspapers or over the radio on our side of this case. They may not know what the Star Chamber was. It was a court set up in England, which assumed powers of life and death. It had a fixed place of meeting, in London, a place relatively close to any part of England.

What would the commission proposed to be set up do? It is to be a moving court, a perambulating court, a roving court. It can meet in Portland, Maine, or Portland, Oreg., and it can bring to the place of its hearings parties and witnesses from any part of the United States. And it does that, as has been pointed out, under regulations. Regulations written by Congress? Oh, no. Congress will be out of the picture after this bill has been enacted. The regulations are to be written by the commission. The bill expressly delegates to the proposed commission the power to amend the repeal regulations. It gives them all the power the Constitution of the United States vests in the Congress. It takes no account of the right of Congress to delegate its law-making power to this commission.

Mr. President, when we began in the New Deal to pass Federal measures to delegate power to various commissions, I heard long discussions by able men, about the right of Congress to delegate the power granted to it in the Constitution to make rules and regulations, especially when any punishment was involved in the procedure. We now find the old-line conservatives north of the Mason and Dixon's line, or most of them—I am always making exceptions—abandoning, ignoring, and voting against the protection of those old constitutional rights and privileges which have doubtless been used through the years successfully to preserve our American way of life, our independence, and our free enterprise.

Are Senators more interested in securing the passage of a bill which they think will protect a minority group than they are in protecting their Constitution, in protecting the fundamental rights of the people of this country as a whole? That is what the issue is narrowed down to. I do not charge that men take a position on this bill because of their desire for votes, although that charge is made

by some. I still want to separate the sheep from the goats. There are many men on both sides of this Chamber who would not be controlled by any consideration of that kind, when the real future form of government of their country was involved. There are men on both sides of this Chamber who would walk out of the doors of this body never to return before they would intentionally and consciously vote for a bill which would strike down the rights and the privileges of American citizens, and in effect destroy the free enterprise system of this country.

Mr. President, this is too fundamental a matter for anyone to proceed upon the theory that there is some little human equation involved, that a promise is involved, that a commitment is involved. The subject matter is too fundamental for that.

I wonder, Mr. President, if the supporters of this bill, or if the people of the country who are indifferent to its passage, who have had no interest in it and taken no part in it, realize that the bill abandons the right of trial by jury.

Mr. RUSSELL. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Georgia?

Mr. BANKHEAD. I yield.

Mr. RUSSELL. The Senator referred to the campaign, the great build-up, that has come over the radio and through the press. I have heard a great deal of discussion of the bill over the radio, but I have yet to hear the first commentator explain that part of the bill, or to state anything about the drastic provisions contained in it. A great many of our so-called liberal and pseudo-liberal columnists have been writing articles about it being a fair bill, but not one of them has stated in his column the very essential fact that it was proposed to deny any American citizen the right of trial by jury. In espousing what they call a fair bill not one of them was fair enough to tell the people anything about the implications in the bill which are so dangerous to the rights of the individual American citizens, whether they are members of the minority or the majority.

Mr. SMITH. Mr. President, will the Senator yield to me for a question?

Mr. BANKHEAD. I yield so long as I do not lose the floor thereby.

Mr. SMITH. Certainly not. I feel as the Senator feels with regard to the matter of trial by jury, and for my part I shall be glad to work with Senators on the other side of this question for an amendment which will adequately take care of the question of trial by jury.

Mr. BANKHEAD. I am glad to hear the Senator from New Jersey say that. If a sufficient number of Members of the Senate understood that that question was involved in this bill, that by the passage of this bill the right of trial by jury would be waived, that that right would be lost to some individuals, there would no longer be enthusiasm for the bill, and certainly there would be no determined drive to bring about cloture so that this measure could not thereafter be fully debated.

Mr. SMITH. I may say to the distinguished Senator from Alabama that I

hope amendments will be offered to take care of those fundamentals which I agree with the Senator from Alabama should be taken care of.

Mr. BANKHEAD. I fear that some of those who are supporting the bill do not have the liberality of view the Senator from New Jersey has, but would oppose the dotting of an "i" or the crossing of a "t" unless the Senator from New Mexico approves it, and he doubtless will not approve it unless the groups which have been sponsoring the measure would agree to approving the amendment.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CHAVEZ. Any time the Senator from Alabama offers that kind of amendment the Senator from New Mexico will approve it, because he believes in the contention being made by the Senator from Alabama.

Mr. BANKHEAD. There are so many amendments of that kind necessary that if we went into a program of amending the bill and eliminating dangerous provisions from it, there would not be much left except the simple slogan "fair employment practice."

Mr. CHAVEZ. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. Yes; I yield.

Mr. CHAVEZ. Is it not a fact that after a standing committee of the Senate presents a bill to the Senate, any Senator has the right and the duty, if he deems it proper, to offer any clarifying amendment, or an amendment that will make the bill a better one? Any time the Senator from Alabama will offer an amendment which will make this a better bill—and I take it that what the Senator from Alabama is suggesting now, if presented in the form of amendment, would make it a better bill—the Senator from New Mexico will support it.

Mr. BANKHEAD. What confidence can the Senator from Alabama or any other member of the minority have in what the majority supporting this measure would do respecting amendments to the bill? None, Mr. President.

Mr. MORSE. Mr. President, will the Senator from Alabama yield to me with the understanding that he will not lose the floor, while the Senator from Oregon makes a very brief comment upon the amendment problem facing the Senate?

Mr. BANKHEAD. I have no objection to the Senator making a statement, with the understanding that I shall not lose the floor, and I yield to him.

Mr. MORSE. I want to say to the Senator from Alabama that I think the time has come for the Record to show that this bill was voted out of the committee without amendment because amendments to the bill could not be adopted in the committee. There was a group in the committee that took the position that they would not consider any amendments to the bill because they were unalterably opposed to the principle of the bill. With that block of votes against those of us who wanted to see the bill amended in the committee, we were confronted with the situation of voting the bill out in this form so that

the Senate of the United States could be turned into a Committee of the Whole and the bill could be amended on the floor of the Senate in accordance with the views of some of us who are proponents of the principle of FEPC, but who feel that the bill is sadly in need of amendment.

I want to say—because the Senator from New Mexico [Mr. CHAVEZ] and the Senator from New Jersey [Mr. SMITH], who are now on the floor, are members of the committee, and know that that was my position in the committee—I want to say to the Senator from Alabama that I stand ready and have always stood ready to proceed on the floor of the Senate in accordance with the merits, to propose various amendments which will guarantee certain judicial processes to American citizens whose cases would be heard under a Fair Employment Practice Commission.

I find myself in agreement with many of the legal points made by the distinguished Senator from Georgia [Mr. RUSSELL] the other day, but I think it is perfectly obvious that we cannot proceed on the merits of this bill and offer the amendments which we desire to offer and debate in good faith on their merits so long as the debate in the Senate is going to be conducted at the sufferance of a group of men who say that we shall proceed in accordance with their dictates.

Mr. BANKHEAD. What was it the Senator said? Did the Senator say it was at the sufferance of a certain group of men? At the sufferance of what sort of men?

Mr. MORSE. At the sufferance of a minority group of men.

Mr. BANKHEAD. The Senator did not say that.

Mr. MORSE. Well, I will let the reporter's record speak for itself.

Mr. BANKHEAD. We did not hear the statement clearly over here.

Mr. MORSE. Well, we will rely upon the way it is reported. And may I say to the official reporter that I want my language, as stated, to be submitted to the Senator from Alabama just as soon as the transcript is ready, and submit it to him first, because I think the record will make perfectly clear what I said.

Mr. BANKHEAD. I thought the Senator used some opprobrious word.

Mr. MORSE. I can assure the Senator that I did not, and that if he so understood he misunderstood.

Mr. BANKHEAD. That is all right. I accept the Senator's statement.

Mr. MORSE. But the point I want to make to the distinguished Senator from Alabama is that just as soon as we can proceed on the merits of this bill I shall be ready at any time to proceed to discuss the merits of a long series of amendments that I am ready to submit to this bill. We cannot proceed to do that so long as the debate under the rules is really confined to the Journal, because if we proceed to discuss the merits of the bill, let us be perfectly frank about it, we are aiding the filibuster, and I, for one, am not going to aid in this filibuster.

Mr. BANKHEAD. Mr. President, I shall not undertake to give the Senator any advice as to how Senators should

act in committee with respect to any important bills. I suppose the Senator should be an adviser in his committee. But if the committee was closely divided on a measure sponsored by groups such as those that sponsored this measure, and was pressed so hard as the supporters of this measure pressed the committee which reported it, and in the face of that, with no organized opposition, the Senator and his group were afraid that if they proposed by amendments to correct constitutional defects they would not be able to get the bill out of the committee, then Mr. President, I can have no very great confidence in the fact that the committee made a favorable report on the bill. Afraid. That is the substance of it. The Senator did not use that word, probably, but that is the impression he made.

Mr. BAILEY. Mr. President, if the Senator yields, I rather believe—

Mr. BANKHEAD. I cannot yield unless I am assured that I do not lose my rights.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Does the Senator from Alabama yield to the Senator from North Carolina?

Mr. BAILEY. I will ask for an agreement to that effect, but I will not insist upon it.

Mr. BANKHEAD. I am willing to yield, but I want to protect my rights.

Mr. BAILEY. Mr. President, may I have unanimous consent to make a statement in connection with this matter?

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator from North Carolina may proceed.

Mr. BAILEY. I was greatly interested in the statement made by a Senator on the other side and by one of the Senators on this side respecting the matter of so amending the proposed legislation as to provide for trial by jury. If we reach that stage it will be very simple to prepare an amendment of the following nature—and I wish Senators who are interested would be thinking about it. On page 8, line 10, we can provide that the commission shall have power to petition any district court of the United States, and thereafter correct the language of the bill, beginning in line 23, so as to read:

Upon such filing, the court to which petition is made shall conduct proceedings de novo in conformity with the procedures and limitations established by law governing trials in the district courts of the United States.

That would provide for trial by jury in the district court. In that respect the bill would be relieved of a most obnoxious provision. I say that with the reservation in mind that in its conception the bill is wholly wrong, and contrary to everything which I think is sound in our life and our Government. I simply wish to point out that such an amendment could be put forward without any difficulty.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BANKHEAD. With the usual understanding.

Mr. CHAVEZ. Certainly.

I fully appreciate the statement made by the Senator from North Carolina. I wish by this bill to do nothing except what is American. I wish to do nothing but act with propriety, and in conformity with our customs, our laws, and our Constitution. Any suggestion made by the Senator from North Carolina or the Senator from Alabama which would carry out that purpose would meet with my approval.

Mr. BANKHEAD. Mr. President, on the subject of the right of trial by jury, I wish to call attention to amendment VI to the Constitution of the United States, which reads as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

JANICE McKELLAR

Mr. LUCAS. Mr. President, will the Senator yield to me so that I may report a resolution from the Committee to Audit and Control the Contingent Expenses of the Senate, and ask for its present consideration?

Mr. BANKHEAD. If it is done by unanimous consent, and my right to the floor is not prejudiced, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. MORSE. Mr. President, reserving the right to object, I should like to know the nature of the resolution.

Mr. LUCAS. May I explain the resolution briefly?

Mr. BANKHEAD. If it can be done without prejudice to the Senator from Alabama.

Mr. MORSE. Without prejudice to the Senator from Alabama, of course.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. LUCAS. Mr. President, from the Committee to Audit and Control the Contingent Expenses of the Senate I ask unanimous consent to report favorably, without amendment, Senate Resolution 214. The resolution merely directs the Secretary of the Senate to pay from the contingent fund of the Senate 6 months' compensation to the widow of a Senate employee.

Mr. MORSE. I have no objection.

Mr. LUCAS. I ask unanimous consent for the immediate consideration of the resolution.

There being no objection, the resolution (S. Res. 214), submitted by Mr. STEWART on January 17, 1946, was considered, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay from the contingent fund of the Senate to Janice McKellar, widow of D. W. McKellar, late an employee of the Senate, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

Mr. LUCAS. I thank the Senator from Alabama for his consideration.

JOURNAL OF THURSDAY, JANUARY 17, 1946

The Senate resumed the consideration of Mr. HOEX's motion to amend the Journal of the proceedings of the Senate of Thursday, January 17, 1946.

Mr. BANKHEAD. Mr. President, it is perfectly apparent that the draftsmen of this bill directly evaded the subject of the right of trial by jury. There can be no real discussion or argument on that score. It was the intention of the sponsors of the bill, whoever prepared it—and I am told that those who introduced it were not in the main the authors of the bill—to evade the subject of the right of trial by jury. Any lawyer or any experienced legislator, in preparing a measure of this kind and of this severity, could not have overlooked the great fundamental right of American citizens, a right which has existed since the days of the Magna Carta, with which we are all familiar, a right which was engrafted in the common law, and adopted in this country even without an amendment on the subject of the right to trial by jury. Any draftsman who had the purpose of preparing a bill to protect the great fundamental American system, the right to be confronted by witnesses and to be tried by one's peers to ascertain his guilt or innocence, could not have failed to have included such a provision in this bill if he had acted in the right spirit and with the right objective.

The authors of the bill did not even fix a place for such trials, because they did not intend to have any trials. Any lawyer who studies the bill will promptly agree that that was the intent. The bill does not provide that the Commission shall conduct a trial, or that a court shall meet and hear the allegations. It does not provide that when one is charged with an offense it must be on probable cause, supported by an affidavit, as the jurisprudence in every State in the American Union requires. No. The purpose was to proceed with a hearing. The word "hearing" is substituted for "trial."

By whom is the hearing to be conducted? By the Commission? No. Perhaps the Commission could do it; but the hearing is to be conducted by an agent of the Commission. No qualifications are established for the agent. There is no requirement that he shall be learned in the law. There is no requirement that he shall be an honorable man, of good character, as is necessary in order to secure confirmation by this body. The bill merely provides that he shall be an agent—perhaps unworthy; perhaps, so far as the limitations in the bill are concerned, an ex-convict. He may be an agitator. He may be a Communist. Personally I think there is no doubt that the Communists are interested in the passage of the bill.

Is cloture to be invoked, so as to foreclose amendments and real consideration of the bill? The bill is in flagrant disregard of the rights of the people of the country, and a violation of our constitutional provisions. Shall we take chances in that sort of a situation? In the case of a bill which has attracted so much attention should we not reestablish the rights of American citizens to full pro-

tection under the law, which they have always enjoyed under our Constitution, our jurisprudence, and the practice of the courts all over the country? Is there any better time than now to say, "No; we will not, in order to appease any group, abandon the fundamental rights of citizens of this country; we will not turn over to an irresponsible group, with agents to be appointed by the thousands, if desired, without any limitation, and without any qualification, the power to go into every business place in America and demand to see the records."

Mr. MORSE. Mr. President, will the Senator yield, with the understanding that by so doing he does not lose the floor?

Mr. BANKHEAD. Yes.

Mr. MORSE. I wish to say to the Senator from Alabama that his comments on the procedures provided for by the bill in its present form impress me just as thoroughly as did some of the comments made the other day by the Senator from Georgia [Mr. RUSSELL]; and—speaking only for myself—I think something should be said at this time by those on this side of the aisle.

Mr. BANKHEAD. Mr. President, I cannot yield now, when I am in the middle of my argument. I am sure that we on this side will raise no objection to having the Senator have the floor whenever he seeks it with the understanding that he will not take any advantage by thus being recognized.

Mr. MORSE. I simply wish to make a comment on cloture, if the Senator will permit me to do so.

Mr. BANKHEAD. Well, if I may permit the Senator to do so without prejudice to my right to hold the floor, let the Senator proceed.

Mr. MORSE. Yes; I shall proceed with that understanding.

Mr. BANKHEAD. Very well.

Mr. MORSE. In regard to the Senator's comment on cloture, let me say I agree with the Senator; in fact, I would vote against cloture if we were free to discuss the merits of various amendments which I believe should be adopted before the bill itself is passed. But I do not see how the Senator from Alabama could expect us to proceed to discuss the merits, as I have said before, so long as any discussion in which we would participate would aid the group on the other side of the aisle which is filibustering against the bill. If the Senator's group will remove the Journal obstacle which now is preventing full and free debate on the merits of this bill, I can assure the Senator that I, for one—and I am sure a great majority of the Senate would join me—will not favor any cloture petition until there has been ample opportunity to debate at length the merits of a series of amendments which ought to be made to the bill.

But I repeat to the Senator from Alabama that I think the fundamental issue now facing the Senate is whether a majority of the Senate are to be allowed, under our democratic legislative processes, to vote on the merits of legislation or whether they are to be permitted to vote only at the sufferance of a minority of Senators who say, in effect, "You shall vote on legislation only in accordance

with our choice." I cannot reconcile that procedure with democratic processes or even with the principles of the Democratic Party.

Mr. BANKHEAD. Mr. President, that statement is just about as unfair, in view of what has occurred here, as the bill itself is. I would not trust a majority led by the Senator who wishes to bring in cots and have Senators stay here all night sleeping, like semicorpses, so as to practice coercion upon the attempts of a minority to exercise their rights. I would not yield to any such endeavor to punish a minority that he does not like.

Mr. MORSE. Will the Senator yield for a moment, with the understanding that by so doing he will not lose the floor?

Mr. BANKHEAD. Yes; I yield with that understanding—if it is understood that I may do so without prejudice to my right to hold the floor.

Mr. MORSE. Speaking only for myself, I certainly hope that at least 48 Members of the Senate will join with me in fighting this filibuster 24 hours a day, for as many weeks as it may take to demonstrate once and for all that rule by minority will not prevail in the Senate of the United States.

Mr. BANKHEAD. A few days ago I read in one of the Washington newspapers that the Senator from Oregon had said that he was going to have 49 Senators in continuous session in the Senate. I did not know he had been elected whip of the Republican Party; I did not know he had been made its leader, to corral the other members of his party and bring them in vi et armis. If the Senator from Oregon was correctly quoted, he said he was going to have at least 49 of them here.

Mr. MORSE. Mr. President, on that point will the Senator hear me?

Mr. BANKHEAD. Yes.

Mr. MORSE. I did not read any such statement as that; and if the Senator from Alabama read it, I was misquoted. What I have said, and I repeat it now, is that 49 Senators should fight the filibuster in the Senate of the United States, by staying here 24 hours a day, so long as necessary.

Mr. BANKHEAD. I understand, as I am sure everyone else does, the zealous desire of the Senator from Oregon to have his way, so as to control, dominate, and dictate to the Senate, and especially to the 49 Senators on his side of this issue, as to how they shall proceed, notwithstanding their view that fair and reasonable discussion of this bill should be had before there is any attempt or any threat to compel foreclosure of further debate.

Mr. President, to the few Senators who now are in the Chamber—I know most of those who are absent are not interested in what I have to say or in what any other Senator has to say on this subject—I submit that no filibustering has been engaged in. I think any fair, honest man will admit that. I am not claiming that I will not filibuster. I will—do not misunderstand me—if it becomes necessary, especially against a leader who is so determined and so zealous in his efforts to bind down a minority for which he is now speaking and not

working in this body. That is what he does. He is not consistent at all.

However, we have not yet filibustered. Every speech which has been made here—and I am sure that the few Senators who have heard all of them will verify my statement—has been directed to the merits of this measure—as much so as any series of speeches occupying 2 or 3 days on any subject could be. We are always obliged to have some digressions that happens in connection with all bona fide conversations in regard to matters affecting our lives. But up to this time this debate has been a legitimate, open argument based upon the facts and the reasons and the principles of government involved. Of course, all that does not suit the Senator from Oregon.

Now to refer once more to the proposed star-chamber court, let me say that the so-called court proposed by the bill would not be a court at all. It would be something like the old star-chamber court, but it would not even afford the protections or have the dignity or respect which the old star-chamber court had, because while the old star-chamber court fixed many of its own rules and did not have any rules to protect the persons who were called before it, it did at least give notice to those who were charged, and they were advised where the court would be held, and they were given an opportunity to be heard.

The monstrosity which is proposed by this bill, the more or less star-chamber court which it proposes—which really should be called a star-chamber hearing proceeding—would not afford any of the protections or rights which the old star-chamber court afforded. The proposed court would not provide for trial or hearing in the vicinage. It could meet, as I have said, anywhere from Portland, Maine, to Portland, Oreg. It could haul the witnesses and the parties all over the country, at the expense of the taxpayers. Of course, there would be a multiplicity of lawsuits growing out of such procedure, and the hearing group would provide good attorneys to represent the complainants, and would do so at the expense of the taxpayers of this country. There would be no limitations upon the power and authority of the proposed hearing body. Who would select its agents? How many agents is it intended that the Commission or body shall have? No limit is provided in the bill. My friend, the Senator from Virginia [Mr. Byrd], is worrying himself with his anxious concern about reducing the cost of this Government. I am in sympathy with his efforts. I think that the time has come when we must pay more attention to Government expenditures. We must cut expenses to the bone unless we want inflation, or a repudiation of the tremendous debt which we now have.

Mr. President, what is the program which we are asked to adopt? Who will limit the expenditures connected with it? The bill provides for no limitation whatever. The language of the bill is left wide open. The agents of the Commission may go forth at will and search, search, search. They may go into the records and take copies where-

ever they may be found, and without a search warrant, and they may retain them. I ask my good friends on both sides of this Chamber, Do we want to pass this bill?

Mr. President, I have received more courtesy from the Republican side of the Chamber in regard to attendance in the Senate during my discussion of the bill than I have received from Members on the Democratic side. I am glad that that is true, because I have hope that some of the Members on the other side of the Chamber will see the light. I have no hope that some of my colleagues on this side of the Chamber will ever see the light. They are not present with an open mind. They are present as members of a minority group, and are in favor of anything so long as it is sponsored by their group.

Mr. President, I do not believe that the bench, the bar, and the public generally of this country would sympathize for a moment with this bill if they were familiar with its provisions. I was not surprised when the majority leader said today that he had received telegrams threatening him with defeat in any future attempt to be elected to office. I do not know whether those threats came from Democrats or Republicans. The majority leader did not state. But, Senators, the situation is indicative of what is taking place in the public mind of this country. Neither newspapers nor radio commentators will print or state our reasons for opposing this vicious bill. Many persons are being threatened, including our great majority leader. On the floor today he defied those who had threatened him. I liked his defiance.

But, Mr. President, the situation indicates that something is taking place down in the grass roots. Senators know that the Negroes in Kentucky would not be sending in threats to anyone if they were not deeply concerned. I predict, whether this bill shall be defeated or not, that the time will come in this country when there will be an uprising of public opinion, mass resentment, and reaction against legislation striking down all the constitutional rights which the people have enjoyed for many years, legislation destructive of business, which would be the result of the passage of this bill.

Mr. President, I do not consider that a vote for this bill would enhance the popularity of any Senator. Some Senators, of course, believe differently. I do not impugn their motives. We all like popularity. However, I may say in connection with the subject of popularity that there are and will be two sides to this issue. The American people will not quietly acquiesce in a program which is destructive of their ancient doctrines and rights. They will not quietly acquiesce when the delegated agents, whether white, black, Japanese, or German, who may be appointed by this commission, go around this country and put their hands into everybody's business in order to see whether the necessary number of Negroes have been employed. Other races than the colored race are involved in this proposal. I assume that it will be the duty of those who enforce the act to look after the interests of the Chinese,

the Japanese, and the Germans. Many of them are now being discriminated against, and I assume that for some time discrimination against them will continue. As I have said, I think the present Fair Employment Practice Committee is influenced by Communist doctrines. I believe that Communist doctrines are involved in the activities in behalf of the present measure. Pickets are already active in some places against persons who oppose the bill.

Mr. President, let us see who is supporting this bill. Let us see who they are. It is said that some politicians are in opposition to the bill, and that other politicians are in favor of the bill. I am a politician, and I have been considering this bill for a long time. Some persons can sense the reaction, though unexpressed, of the people on issues when they have been accustomed to and trained in the knowledge of their rights. I do not claim such power. I have seen men who possessed such power. I assert to you, Mr. President, that by passing this bill we shall be stirring up something that we cannot stop.

Mr. WHITE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. EASTLAND in the Chair). Does the Senator from Alabama yield to the Senator from Maine?

Mr. BANKHEAD. Certainly, I yield to the Senator from Maine.

Mr. WHITE. A moment ago the Senator referred to various races. I am somewhat confused with regard to the meaning of the proposed legislation in this respect: On page 2, section 2, the language begins with the words:

The right to work and to seek work without discrimination because of race, creed, color, national origin, or ancestry is declared to be an immunity, of all citizens of the United States.

And so forth. That language would suggest that the bill applies only to citizens of the United States. But on the same page, in section 3, we find the following language:

(a) It shall be an unfair employment practice for any employer within the scope of this act—

(1) to refuse to hire any person because of such person's race, creed, color, national origin, or ancestry.

It does not refer to citizens. I wonder if the language in section 3 (a) is intended to be broad enough to cover citizens, or whether citizens are excluded from that provision of the bill. Can the Senator enlighten me with respect to that?

Mr. BANKHEAD. It is my understanding that whether one is a citizen of the United States or not, under our Constitution, he is entitled to the benefits of constitutional guaranties.

Mr. WHITE. Will the Senator yield further?

Mr. BANKHEAD. I yield.

Mr. WHITE. But section 2 says the right to work is an immunity of all citizens of the United States. It does not say of all "persons," but of "citizens." I simply do not know what is the key word, whether it is "citizen," or whether the word "person" is the key word.

Mr. BANKHEAD. The word "persons" is used at other places in the bill. I take it the authors intended to cover aliens and everybody else, and that is one of my grounds of objection, that they are saying the right of employment is the right of everyone, to displace good American citizens, if the race percentage is not satisfactory.

I have here a decision of the United States Supreme Court, which reads:

Aliens while in the United States are entitled to the benefits of constitutional guaranties, which are not confined to citizens, as affecting liberties and property. Opening envelopes of Chinese persons and taking letters from them, for use in deportation proceedings, is a seizure of papers that is unreasonable, and contrary to the spirit of this amendment (*U. S. v. Wong Quong Wong* (D. C. Vt., 1899), 94 F. 832).

So that the equality of every alien in this country is already protected by law.

Mr. President, I am sorry the Senator from California [Mr. Downey] is not present. He is one of the sponsors of the bill, and I wanted to present a state of facts to him. I cannot wait for him. I know he is not coming, because I doubt if he wants to hear anything on this side of the question. He has not manifested any desire to do so. But there is a situation which is going to confront him in the not very distant future, I imagine the first time the people of California get a chance at him, as soon as they find out the facts.

Mr. President, the bill covers Japanese. The decision of the Supreme Court I have just read covers Chinese, and, of course, it would cover Japanese. I wanted to point out to the Senator from California that in California there are 93,717 Japanese. In the United States there are 126,947 Japanese. Under the bill it will be necessary to provide employment, without discrimination, to every one of those Japanese. That is the letter and the spirit of the law—protect the minority.

What is going to happen in California, where the people do not think too much of the Japanese anyway, if the bill shall be enacted? Of course, the Japanese are going to demand employment, and then what will happen? The agents of the Commission will go into a store in San Francisco, for example, and look around and say, "We have applications for employment from a group of Japanese. You have not any in this store. Your employees are all American citizens. You must remove from your employment a sufficient number in order to give these Japanese employment, because otherwise there is a discrimination against them on account of their race." When such action as that starts, when white people are dismissed, perhaps many of them veterans, many of them ladies of the communities who have been working in the stores for years, there will be a great deal of disturbance.

Of course, I am presuming the law is to be carried out. The sponsors of the bill are begging for the protection of minorities. They do not say the minorities are confined only to Negroes. If they said that, all the sentiment for their program would disappear. If the great principle of protecting minorities were taken out,

and the desire were to look after one group only, the sentiment for the bill would disappear.

There are in this country 333,969 Indians, a pretty large group, not many of them scattered over the Middle West and central part of the country and the South and East, but they are all over the West. Those Indians have never been very eager about wanting to work, but if the Government should some day cut off their bounties and they were forced to make a living, then they would apply to this star-chamber group, because everyone knows that the businessman does not want to have an Indian working for him. The Indian might go to school, he might have book learning, but he has not the other necessary qualifications for efficient service, and businessmen do not want him, and do not object to saying so. If this bill should be enacted, those businessmen might have to hide their reasons. The law might force the businessmen, wherever Indians were located, to practice deception, to oppose them on some other ground; but their statement would not be the truth, as we all know.

There is something peculiar about an Indian which causes the white American not to want to be too closely associated with him. He would not appeal as a customer man to the ladies who patronize stores. Businessmen would not employ him, and then they would be guilty, as we all know.

Let us consider the Germans. Relatively speaking, this country is full of Germans. There are in the United States, of foreign born, 1,237,772 Germans. I got these figures from the Census yesterday. There are of Germans born in the United States, one or both parents German, 3,998,850, nearly 4,000,000, mixed-breed Germans.

I do not know what the situation will be. There are not many Germans in my section, but I have always understood that German farmers, and the common rank and file of the Germans in this country, were good citizens, and they have children coming on, daughters and sons. I do not know whether they are now excluded because they are Germans. I do not think they were before the war, but the Hitler situation has developed intense feeling on the part of a great many people against the employment of a real German in a business, especially a mercantile business, where he is known to be a German, or has a German accent, or otherwise his race is apparent. It would drive many people away, and it would be disturbing to the owner of a business to be required by law, by Federal law—not State law, but Federal law—to employ in his service a certain percentage—God knows what percentage—of people of different races, to avoid the charge that they were being discriminated against.

What is the test? The bill does not fix any. Would the law be enforced on a percentage basis, a percentage of each race available for employment? Would that percentage apply to the village, to the city, to the State, or to the Nation? There is nothing in the bill to indicate. It would simply be necessary to employ them. They could not be discriminated against.

What constitutes discrimination? How would it be judged whether they were discriminated against or not? Of course, if this bill were the law, no businessman would come out and say, "I will not employ one of these people, an Indian, or a Japanese, or a German, because of his race." He would have to conceal his reasons. But the case might be put in charge of one of these ardent fellows who want to get the minority in everywhere, including the Negroes, of course. Here in Washington, for instance, they would go to Woodward & Lothrop's, and they would say, "You have not any of these people in this store. You are discriminating against them. What are you going to do about it?"

That would scare Woodward & Lothrop to death to start with. They would not want to get into trouble with the Government. But businessmen would begin to figure, "What must we do?" I assume, carrying out the purpose and spirit of this miserable bill, the authorities would say, "You must dismiss a number of your clerks and employees, and avoid this discrimination." The storekeeper would say, "Who is going to pick the ones we must discharge? If we have too many Americans and have to eliminate some of them, too many gentiles and have to eliminate a number of them, and put in colored people, or Germans, or Japanese, who is going to select the ones we have to discharge?" There is the problem.

Perhaps an industrial company is involved rather than a merchant. The same rules apply. There is no distinction between them. The employer might say, "I will pick some men who are strong for the union and let them out." What is the union going to say about that? Is the union going to submit to the employer discriminating against its men? Will the union say, "Let us pick those who are to be discharged?" If we let the union absolutely select the individuals, we would be completely changing the business system of the country. Of course, restrictions now exist with respect to the employment of labor and the discharge of labor. But if someone should be given the power—and all that power must be given to someone—to select who shall be let out of a store and who shall be taken on, it will be going a long step further than has ever been contemplated before.

Suppose there are a thousand Japanese in Washington and many of them want employment. Let us say that 25 men and women will be selected to work for Woodward & Lothrop. Who is going to pick them? Are we going to leave that to the Japanese authorities? Are we going to leave it to the Commission to pick so many Japanese to go into that store and displace other employees? Is that a fair employment program? I submit, Mr. President that it is not. I submit there is nothing fair about it. It is unfair to everyone who would suffer by such a program—who would be displaced by it. Of course, it would be a grand thing for those who, under the proposed law, are picked to get the jobs of others.

Mr. President, the bill contains a provision which applies its terms to labor. Labor unions do not employ its members. Why do the sponsors of the bill want to put labor unions into the bill? I do not know whether by doing so they made a move to obtain the approval and support of labor, and therefore they placed language in the bill which has no real application. It has no real application, because a union deals with its membership but not with employment under the commerce clause of our Constitution. A union does not employ its members. Others employ its members. The union may apply the closed-shop rule or some other limitation, but the union is not an employer of its members. Still the language would proscribe something as an unfair employment practice on the part of labor. Of course that language does not mean a thing in the world.

Mr. President, I have not heard of much labor support for this measure. The committee report discloses, as I recall, that only the CIO is in favor of the bill. The American Federation of Labor has not endorsed the bill. The A. F. of L. is in favor of some portions of it, as the Senator from Georgia [Mr. RUSSELL] said, but there are parts of the bill to which they are opposed.

What about the United Mine Workers, a group of more than half a million workers? Has anyone heard anything from that organization requesting the passage of this bill? That organization does not do business that way. Some persons may not like John L. Lewis, but he knows how to manage the business of the United Mine Workers so as to take good care of his miners, and, so far as I am concerned, I am glad he does. I live in a mining county. The miners are mighty good people. Senators have not heard a word from John L. Lewis or from any United Mine Workers organization asking them to support this bill or give their approval to it. If my friend the Senator from New Mexico [Mr. CHAVEZ], one of the chief sponsors of the bill, has any evidence of such support, and many United Mine Workers live in his State, he would present it. The United Mine Workers have not endorsed the bill. The report does not show that any labor organization, except the CIO, has endorsed it.

Mr. President, we all know that in a bill of this type, dealing with what some call the under dog, if the other labor organizations were willing to see this monstrous bill passed they would have sent to us their endorsement of it.

Let us see now about the farmers. It is said that the Farmers Union is in favor of it. I do not dispute that statement. Mr. Patton, the head of the Farmers Union, is a good man. I know him well. His organization has a membership of about 100,000. It is the smallest of the farm organizations. That organization is pretty well aligned with the New Deal people.

What about the Grange, a great national farm organization headed by Mr. Goss, an able man? What about the Milk Cooperative Association, another very wonderful organization with a very large and effective membership? What about the National Farm Cooperatives

Association, an organization representing practically all the farm cooperatives of this country, probably the largest of all farm organizations? Senators have not heard anything from that organization in support of a bill which abandons the old fundamental rights of the American citizens.

Let us see about the American Farm Bureau. There are now present but three Senators on my side of the aisle, but I shall speak on. Very few persons are in the galleries. So few Senators are present that we could not muster a quorum. Would anyone say that is not oppression of the minority? I think it is. Yet, Mr. President, someone may read the CONGRESSIONAL RECORD, and, anyway, someone has to speak. So I might as well speak, and I am willing to do so. I have two or three good listeners. The leader of the minority, of the Republican Party in the Senate, is listening. The President pro tempore is listening. So is the Senator from Wyoming [Mr. ROBERTSON], and so is the Senator from Iowa [Mr. HICKENLOOPER], and so is the Senator from Indiana [Mr. CAPEHART]. One of the sponsors of this measure, the Senator from New Mexico [Mr. CHAVEZ], is listening. So is the junior Senator from Arizona [Mr. McFARLAND]. I have named the group of Senators present and willing to hear the measure debated. Yet some would say, "Pop cloture on those who are debating the measure. Do not let them stay here any longer and debate the measure."

Mr. President, I was talking about the farmers. What is the position of the American Farm Bureau Federation, an organization with practically 1,000,000 members, represented in all the States of the American Union? What is its position? Its position is certainly entitled to receive the thoughtful consideration of Members of the Senate on a subject of this kind. If Senators want to find a group which is solid in its support of American principles—

Mr. WHITE. Mr. President, may we have order on the floor, and a little better order in the galleries? There is a constant murmuring coming down from the galleries to the floor which makes it difficult to hear the speaker.

The PRESIDING OFFICER. The Chair calls the attention of the occupants of the galleries to the fact that under the rules of the Senate there must be order and quiet in the galleries. Let there also be order in the Senate.

Mr. BANKHEAD. I thank the Senator from Maine.

I was saying that if Senators want to find a group which is loyal to the fundamental principles of our Government, which does not run after every fad and fallacy and which is not moved by every wind and storm of opinion, they should consult the farmers of America, I do not care to which farm organization they may belong. The farmers are solid men who have time to think of the great problems of the country. They are not rushed like the town people are. They think for themselves as they plow in their fields. If Senators really want to get good, cool, calm, judgment respecting the issues which are now being agitated by agitators and extreme leftists

in this country, let them get the judgment of the farmers of America. I am not saying we should always follow their opinion. I say we should consult their opinion, give it consideration, and know that it comes from unbiased men, men usually of cool judgment, men who are generally right in their attitude respecting public affairs.

Let me read the Senate Mr. O'Neal's letter which he sent last June to all Members of the Senate:

AMERICAN FARM BUREAU
FEDERATION,

Washington, D. C., June 9, 1945.

TO MEMBERS OF THE UNITED STATES SENATE,
Senate Office Building,
Washington, D. C.

DEAR SENATORS: The Board of Directors of the American Farm Bureau Federation, at its meeting in Chicago on June 1, 1945, adopted a resolution against the proposed "Fair Employment Practices Act" (S. 101).

Racial and religious prejudices should not be a part of the American system of enterprise, but the proposed legislation is the wrong way to correct such evils. This measure, in our opinion, would have the opposite effect from what its proponents claim. It would stir up—instead of allay—racial and religious prejudices, and would result in unhappy disturbances everywhere, which would interfere with—instead of promote—unity and maximum production.

The bill itself delegates to a Federal agency dangerous powers of regimentation over millions of citizens, and the decisions and orders of this Federal agency would be supreme. It strikes right at the fundamentals of free enterprise.

We therefore respectfully urge that you oppose the enactment of S. 101.

Sincerely yours,

EDW. A. O'NEAL,
President.

That was not a resolution sent here by Mr. O'Neal personally, but was the action of the national board of directors of the American Farm Bureau Federation. Let me read a list of the States in which members of the board of directors of that great farm organization live: New York, New Hampshire, Vermont, New Jersey, West Virginia, Ohio, Missouri, Minnesota, Iowa, Indiana, California, Tennessee, Georgia, Arkansas, Mississippi, Texas, Maryland, and Wyoming. There are 18 members, from 18 widely scattered States, including some of the small States as well as States with the largest population and the largest membership in the American Farm Bureau Federation. They were not swept off their feet by the slogan, "Let us treat the minority fair." They know that the bill is not fair to the minority. It is not fair to others. It is not fair to business. It is not fair to the individual who is haled into this court—if one chooses to call it a court—which has no judicial processes and no system of judicial protection.

I hold in my hand a clipping from the Mobile Press of Saturday, June 30, 1945, containing a letter from a colored minister in Mobile, Rev. B. B. Williams. It is brief, and I shall read it:

The city commissioner and white citizens of Mobile are to be commended for their endorsement and support of the recreational centers established here for colored citizens. Industrial war workers look forward each week for entertainment at the USO on the corner of Dearborn and St. Michael. Seamen now have a well-furnished hotel for lodging and relaxation on Dearborn Street, and the

opening of the commodious recreational center on Davis Avenue this week by the city proper are evidences that colored folk are being considered to be entitled to all that others enjoy for comfort, recreation, and health.

In addition to the recreational centers mentioned above, a YWCA for the elevation of colored womanhood is under construction and around \$74,000 has been pledged and raised on a \$165,000 YMCA building to be erected on Dearborn Street.

With all this being done in Mobile for colored folk it means that as white Mobile rises it is trying to lift colored Mobile as well. This is as it should be. As long as the South and other sections, in a general way, lift the colored man along with other citizens there will be no need for a FEPC because there will be fair employment practices as well as fair everything else. Our city is making an effort to be fair to its colored citizens in keeping with God's will.

I wish to read from an editorial published in the magazine Alabama of April 6, 1945, regarding a poll on this question:

The poll was taken by the Opinion Research Corporation, of New York City and Princeton, N. J. In this language it describes its findings:

"The Negro endorses coercive legislation. He resents job discrimination more than any other kind and he looks hopefully to the law for help. Seventy-nine percent of employed Negroes favor legal compulsion rather than leaving the question of hiring Negroes to individual companies.

"In sharp contrast to Negroes, whites are against compulsion by law. Eighty-five percent of urban white employees believe hiring should be left to the individual company, and oppose a law to require hiring without regard to color."

With dispassionate restraint the poll takers conclude: "Thus antidiscrimination bills are not introduced in response to a demand from the whole electorate."

Even in companies which employ both whites and Negroes, the poll shows that "the feeling of rank-and-file workers stand in the path of overnight equalization of opportunity."

Sixty-five percent of white workers vote for all-Negro departments rather than to mix the two races. Seventy-four percent object to Negro supervision.

Seventy-four percent of the white workers want separate lunch rooms and wash rooms, although 95 percent of the Negroes want to use the same lunch rooms and wash rooms.

Opinion Research continues:

"It is obvious that attempts to force rapid and drastic changes in employment practice may be strongly resisted by large groups of employees. Quite possibly such action will increase racial animosity rather than allay it, particularly in a period of lay-offs.

"It seems unlikely that employees will undergo a change of heart merely because another law has been passed. Thus, if solid and permanent progress is to be achieved, both employers and regulatory authorities must proceed with great deliberation, using a maximum of persuasion and a minimum of coercion."

That is the report of the polling organization at Princeton, N. J.

Mr. President, for the benefit of the Record and of the few patient Members of the Senate who are present, let us consider further the argument and the state of facts presented by the junior Senator from Georgia [Mr. RUSSELL] with respect to the action on this subject by various States. To my mind that is one of the most significant occurrences in the development of this whole agitation about the passage of this bill. After long agitation in Washing-

ton it became apparent that certain Members of both Houses would resist it to the bitter end. The sponsors of the program went to the States, where they should have gone in the first instance. It is a police matter, and does not come under the Federal Constitution. They went to the States to secure the passage of State laws dealing with fair employment practices—probably a replica of this bill. Such a measure was introduced in approximately 20 States.

What happened? The only agitation for or against the bill was by the sponsors of this program. No one was in the field opposing it from an organized standpoint. So far as I know, there were no visitors to any of the States in opposition to it, but the groups which wanted to secure its passage arranged for its introduction, and doubtless did a great deal of pressure work to bring about its passage. The Senator from Georgia [Mr. RUSSELL] has already presented the facts for the Record, but some might hear this statement who did not hear him.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield if I may do so without prejudice.

Mr. RUSSELL. I should like to ask the Senator if he is not a little optimistic in believing that many Senators who unwittingly committed themselves to the bill will hear much of the discussion. They committed themselves to this monstrosity before knowing all that was in it; and now, when we proceed to undress it and let it stand in all its stark nakedness, they cannot stand the revelation.

Mr. BANKHEAD. They cannot stand sound doctrine.

Mr. RUSSELL. In the middle of the afternoon, while the Senator is engaging in a very able discussion, only a handful of Senators are present. The Senator from New Mexico [Mr. CHAVEZ], the Senator from Idaho [Mr. GOSSETT], the Senator from Arkansas [Mr. McCLELLAN], the Senator from Wyoming [Mr. ROBERTSON], the Senator from Kentucky [Mr. STANFILL], the Senator from Kansas [Mr. REED], and the minority leader [Mr. WHITE] are the only Senators present, which shows the lack of interest in this measure.

Mr. BANKHEAD. I hope the gentlemen in the press gallery will take notice of the statement of the Senator from Georgia.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield if I may do so without prejudicing my rights.

Mr. CHAVEZ. I hope the gentlemen of the press will also note that possibly the reason why more Senators are not present is that they are working in committee to bring out a minimum wage bill which will be just as obnoxious to some Members as the bill now being considered.

Mr. BANKHEAD. The Senator ought to be there helping to draft a good bill.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield, if I may do so without prejudicing my rights.

Mr. RUSSELL. Unless there is some change in the position of those who are

insisting on cramming this bill down our throats, there will not be any reports from committees, because most of the time the sponsors of a bill have been objecting to the transaction of business in the Senate—even the introduction of bills, much less reports from committees.

Mr. BANKHEAD. Mr. President, there have been numerous suggestions that many Members of the Congress do not wish to have it pass any antistrike legislation. I do not know whether that feeling has actuated those who have insisted that the Senate take up this measure, but everyone knows that that statement has been made. It is no secret. There has been considerable discussion that many Members of the Congress do not wish to have Congress pass any measures dealing with the labor question. Members of Congress who take that position are to be found on both sides of the labor question, and they do not wish to have the Congress vote on such measures. There are a number of Members of Congress who, to use the colloquial expression, wish to "put the screws" on the strikers and to do whatever they can do, by force of law, to require them to go back to work. But many persons are not in favor of that, and they do not care whether we filibuster, and they do not care whether the Senate holds up the bill until doomsday, because they are in no hurry to have the Congress enact legislation which would bring about the cessation of strikes and would result in the renewal of industrial operations in this country.

Of course, Mr. President, the labor question is now paramount. It may be said that we are wasting time here because the sponsors of the pending measure who insisted on having it brought before the Senate did so with full knowledge that the result I have mentioned would ensue. I do not know whether they are doing so in an attempt to satisfy certain groups that may have been dealing with them. It may be so; it may be that they are committed to certain groups to suppress such legislation, so that they are not free, independent agents in the true sense. I do not charge that; I simply do not know. I know that there has been much discussion and there have been many rumors regarding the reasons for bringing up the bill which is now before the Senate. Some persons are said to welcome the consideration of this bill by the Congress in order to prevent the Congress from considering antistrike legislation at this time, when the whole Nation craves congressional action which will bring industrial peace to our disturbed people and will give them assurance that the recovery program will not entirely break down, but that Congress will do whatever it can to advance the recovery program and to bring about continued industrial operations. Frankly, Mr. President, I do not know how to do it. Many Members of Congress think they do know how. But I am satisfied that there are many who do not wish to have the Congress attack the problem or go on record regarding it.

So here we are. The Senator from New Mexico, who has cooperated with them, made his motion for consideration

of the bill without notice to us, without notification of any sort. He slipped up on me and slipped up on the Senator from Georgia [Mr. RUSSELL] and other Senators, and made the motion for consideration of this bill at a time when debate on the motion was not in order. I think they thought they had us. But they did not know as much about parliamentary rules as some of us know. They thought that if they could get the bill before the Senate then, they would promptly file a cloture petition and would have cloture invoked, and thus would put the bill to a vote as quickly as possible, amendments or no amendments. However, they have not accomplished that result; and so long as we have not finished our arguments in opposition to the passage of the bill, so long as some of us are physically able to point out to the people of the country the dangers inherent in the bill, the absolute dangers inherent in it to our republican form of government, to our free-enterprise system, to our system of trial by jury, through abolition of the protections and safeguards which we wish to have preserved, we shall continue to discuss its shortcomings.

Some people think we are doing this because we are unfriendly to the Negroes. Mr. President, the Negro has no better friend than I, and I have proved it. My friendship for him is not limited to mere lip service. Other Senators on this side of the question have likewise proven their friendship for the Negroes. In 1925 and 1926, when bigotry was rampant in this country, when persecution of Catholics and Jews and Negroes was rife, when the Ku Klux Klan, the night riders wearing robes, were traveling all over this country and in some States absolutely controlled the elections, so that unless a man was a member of the Ku Klux Klan he had absolutely no chance to win. I was not in politics. I was not then a candidate for any political office. But from my office and my home I went out into the State; I made a great many speeches during the Presidential election in which Al Smith was the Democratic candidate. I made many speeches against religious bigotry, against racial prejudice, and in favor of liberality, in favor of the right of every man to follow the dictates of his own good conscience in respect to his relations with people of all religions and all races. I went all over Alabama preaching that doctrine and mentioning not only the Jews and the Catholics but the Negroes as being entitled to their full rights under the Constitution. I did so because we did not want to injure them.

But this bill will injure them. Let not Senators fool themselves about that. Those who are urging passage of the bill say we are unfriendly to the Negro. Mr. President, we have more friendship for the Negroes than all the sponsors of the bill have. They know very little about Negroes. A man who has lived among them all his life understands the Negro problem better than does a man who is merely playing politics with this question and is playing up to certain social groups—left-wingers.

In that connection let us consider the situation of the sponsors of the bill. The Senator from New Mexico [Mr. CHAVEZ]

has in his State only 4,672 Negroes, or nine-tenths of 1 percent of the population of his State. Nevertheless he seems to think—and in good faith, I am sure—that he understands the problem better than do those of us who have been reared with them, who have met large numbers of Negroes, and who have had to deal with the problem and live with it. As I said, Negroes constitute only nine-tenths of 1 percent of the population of the State of New Mexico; yet the Senator from New Mexico is making all this disturbance and all this noise about getting fair treatment for the Negroes. Of course, Negroes are not the only minority group in his State. There are many Mexicans or persons of Mexican descent in his State, and this bill applies to them, too, of course. So I cannot say that the Senator from New Mexico is in favor of the bill solely because of his interest in the Negroes, although I think many people believe that is the reason why he favors the bill.

Mr. EASTLAND. Mr. President, will the Senator yield at this point, for a question?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. Is it not a fact that the people of New Mexico have repudiated this whole proposal, by rejecting a bill which is similar to the one now before the Senate?

Mr. BANKHEAD. Yes; and I shall reach that point in a moment.

Mr. President, the Senator from California [Mr. DOWNEY] is in favor of the bill. I do not know whether he claims to be an ultra-conservative, but there are only 124,306 Negroes in the whole State of California, with its total population of millions of people.

The Senator from Montana [Mr. MURRAY], who is one of the cosponsors of the bill, has 1,120 Negroes in his State. In Montana there are also considerable numbers of Indians who are liable to bump off the Negroes when they get jobs. The Indians will demand the jobs, and out the Negroes will go—because there are many Indians in that locality.

Mr. ROBERTSON. Mr. President, will the Senator yield to me for a moment, without prejudice?

Mr. BANKHEAD. Yes.

Mr. ROBERTSON. With reference to Indians, let me say that just now, as well as earlier in his speech, the Senator from Alabama has referred to the Indians at about the same time that he has referred to the Japanese, the Germans, and others. I know the distinguished Senator from Alabama is kindly and generous and would not wish to leave the impression that he was in any way attempting to indulge in remarks derogatory of the Indians.

Mr. BANKHEAD. The Senator is absolutely correct about that.

Mr. ROBERTSON. The Indians in Wyoming and Montana are handicapped as a result of Federal regulations which govern their lives. They are kept on reservations. Various laws prohibit them from doing various things which we "pale faces" do. It was we "pale faces" who put them on those reservations. No one in Wyoming and Montana—and I think I may also include Colorado—ever objects to having an Indian work for

him or eat at his table; no one there ever objects to going to work with Indians or eating at their tables or in every other way treating them as social equals. They were the first citizens of this country, and to them we are the "pale faces." They wish to be friendly to us. They are friendly to us, and we in the West are friendly to them.

Mr. BANKHEAD. I appreciate the truth of the Senator's statement. I have voted for many millions of dollars to be used in behalf of the Indians. I did not speak of them in any derogatory sense. I merely listed them as among the minority groups.

Mr. ROBERTSON. I am sure the Senator did not mean anything derogatory in what he said, but I thought that the impression which might be left from his remarks would be an inaccurate one.

Mr. BANKHEAD. I am glad the Senator made the correction. Of course, there are minority groups as, for example, the Jews, and certainly the Roman Catholics represent a minority group. For all such minority groups this bill seeks to secure privileges because they are minority groups. I do not know that some of them need protection in business matters, because they are able to take care of themselves. However, from the standpoint of employment, the bill treats them as special classes of citizens.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. CHAVEZ. It is not the intention of the sponsors of the bill to create any special privileges for any classes or minorities of people. The intention is merely to protect their rights.

Mr. BANKHEAD. The Senator knows that no man has a right to obtain a job from any employer who does not wish to give him a job.

Mr. CHAVEZ. That is correct.

Mr. BANKHEAD. Persons who have legal rights do not need any protection of them, such as is attempted to be given by this bill. But if the bill does not put them into a privileged class or into a minority group, I do not know what it does.

Mr. CHAVEZ. Very well. If the Senator will read the bill—

Mr. BANKHEAD. Oh, I have read it as much as the Senator has read it.

Mr. CHAVEZ. Possibly the Senator from Alabama has read it more than I have read it.

Mr. BANKHEAD. Yes.

Mr. CHAVEZ. But there is nothing in the bill which would compel the Senator from Alabama, the owner of any factory or industry, or any other person, to furnish employment or a job to any member of a minority group. While no one can be compelled to give the Jew, the Irishman, the Baptist, the Catholic, or anyone else a job, the bill provides that no one may prevent him from obtaining a job merely because of his race, creed, color, national origin, and so forth.

Mr. RUSSELL. Mr. President, the argument which is now being made by the Senator from New Mexico is as specious as is the argument which has been made that this is a fair employment

practice bill. The bill provides that if an employer does not give a job to a man belonging to a minority group, the employer is thereby discriminating against him, and he may be put into jail. It may be argued that the seeker of employment would not be discriminated against, but nevertheless the employer could be put into jail if he refused to afford employment. It would be very much like a lawyer who told his client, "They cannot put you into jail," to which the client replied, "Well, I have been here for 2 years."

Mr. CHAVEZ. Nevertheless, we have taken the life blood of this country and sent it to die on foreign fields.

Mr. RUSSELL. Oh, yes; I have heard the Senator make that statement before, and I expect to hear him make it again before this discussion has been concluded. But the argument is just as specious as has been other arguments which the Senator has made concerning this issue. The men who were sent abroad to die were not sent there for the purpose of making it possible to establish a kangaroo court and put a man in jail without affording him a trial before a jury. They were not sent abroad for the purpose of giving someone the right to tear down the business and industry of this country, and giving someone the privilege of invading a man's private business and examining his books. The bill has been labeled something which it is not. I recall that the Senator from New Mexico said the other day that he denied that the bill would assist aliens in obtaining employment.

Mr. CHAVEZ. Mr. President, there is no disagreement as between the argument of the Senator from Georgia and the argument of the Senator from New Mexico. What we are trying to protect is rights. I may say to the Senator from Georgia that it is only rights that I want to protect. If we are not doing it correctly through this bill, I would join the Senator from Georgia in drawing a bill that would give such protection.

The Senator refers to the Constitution and says that we are all supposed to be equal. It has been said that all of us should have equal opportunities. Yet, when someone denies employment to a Jew, for example, because he is a Jew, even though he or some relative of his has fought on a foreign field of battle, the Jew is being denied equality.

Mr. RUSSELL. Mr. President, it is said by some that equality means equality of everything in the United States, and some persons would be willing to move in and divide all the property in the United States and deal out its benefits to all citizens. The American Constitution, thank God, has never stood for that kind of equality. My idea of individual rights is that our Constitution and laws draw a circle around each individual and gives him freedom to act within that circle. At the same time, no other man may infringe upon his rights. As I see it, this bill represents an idea which is entirely contrary to that which I have stated. It says, "We will invade the circle that has been thrown around the man who employs six or more persons, and we will tell him

whom he may employ and how many he may employ." An employer may be told that he must employ a certain number of persons, and may be told who they shall be. If he does not employ them he may be put into jail.

The bill invades the right of property. I realize that in this day it has become very unpopular for anybody to mention property rights, but without property rights, this great country of ours would not be what it now is. We have property rights, and our Constitution drew a circle around those property rights even as it drew a circle around the rights of individuals. This bill would strike down the right of a man to say with whom he shall be associated in conducting his business, and there is no way by which that fact can be argued away.

Mr. CHAVEZ. Mr. President, will the Senator from Alabama further yield to me?

Mr. BANKHEAD. I yield.

Mr. CHAVEZ. I still insist that there is very little difference between the philosophy of the Senator from Georgia and my own philosophy with respect to this bill.

Mr. RUSSELL. I still have hope, then, that the Senator will vote against this bill. [Laughter.]

Mr. CHAVEZ. The question is only one of conclusion. I know that when the Constitution speaks of equality it does not mean, for example, that because the Senator from Georgia has been diligent and has accumulated some property, he must divide it with me. I agree that the Senator from Georgia has individual rights, and I further agree that individual enterprise should have the protection of the law.

Mr. RUSSELL. There is a great difference between the understanding of the Senator and my understanding as to the effect which this bill will have on individual rights.

Mr. CHAVEZ. I want the Senator from Georgia to help me make the bill a good one.

Mr. RUSSELL. Mr. President, I have done my best. I have attempted to point out some of the weaknesses of the bill. I have already pointed out some weaknesses which the Senator had not recognized in his own bill.

Mr. CHAVEZ. I have completely recognized them, but during my early association with the bill I did not have the wisdom and advice of my good friend. Now that the bill is before the Senate for consideration I hope the Senator from Georgia will join me in making it a perfect bill.

Mr. RUSSELL. Mr. President, I do not think that it is possible to make a perfect bill out of a measure which proposes to take away the rights of individuals. We have been told that the bill is merely one to continue into effect the present Fair Employment Practices Committee which was established under an Executive order. A greater misrepresentation has never been made. The present committee deals only with employment in the Federal Government. Of course, the Federal Government has the right to regulate employment within its various departments. The committee's power

extends also to those who willingly and voluntarily enter into contracts with the Federal Government. A man is given an option. He either may or may not enter into a contract with the Government. If he does enter into a contract with the Government he submits himself to the power of the committee. However, Mr. President, the pending bill does not provide anything of that nature. It reaches out to the individual. Its powers are not limited to dealing with situations involving employees of the Government, or those who willingly enter into contracts with the Government, but it reaches out into every business and industry in this Nation which employs six or more persons. It would undertake to take away certain rights which have always been fundamental.

Mr. BANKHEAD. Mr. President, I believe there are seven sponsors of the bill, and the States of six of them have a Negro population, combined, of 195,821. New York has many more than the others. The Negro population in 11 States, which have 22 votes here, most of them for the bill, is only 12,029.

Mr. President, I submit that cannot represent any real, true situation of discrimination on any broad scale on account of race, color, or creed. All the sponsors of the bill are from sections and States which have just enough Negroes to get on the blackboard. They do not have a sufficient Negro population to enable them to know anything about the treatment of Negroes. I doubt that the Senate should pay any very great attention to a program sponsored by Senators from States having a Negro population of only 12,000. Of course, as I have said, one of the sponsors of the bill, the Senator from New York [Mr. WAGNER], is from a State where the Negro population runs up the total. I ask to have the list printed in the RECORD.

The PRESIDING OFFICER (Mr. MAYBANK in the chair). Is there objection?

There being no objection, the list was ordered to be printed in the RECORD, as follows:

State:	Negro population	Percentage of whole population
Idaho.....	595	0.1
Maine.....	1,304	.2
Nevada.....	664	.6
Montana.....	1,120	.2
North Dakota.....	201	---
New Hampshire.....	414	.1
New Mexico.....	4,672	.9
South Dakota.....	474	.1
Utah.....	1,235	.2
Vermont.....	384	.1
Wyoming.....	956	1.3
	12,029	3.7

Mr. BANKHEAD. Mr. President, we are just getting started to argue the merits of the bill, and there are many other arguments I should like to make, but I have spoken for 3 hours without any rest or relaxation, and I think perhaps that is about as long as I should occupy the floor, although I could proceed, if anyone desires that I do so. I wish to let some fresh speaker participate in the debate, and I thought perhaps a quorum call, when I yield the

floor might bring in a few Senators who would remain a short time, and they might get a little glimpse of light on some phase of the bill as they pass through. I hope some rays of sunshine will penetrate the intelligence and judgment of Senators, if they will only exercise their intelligence.

Before I close I wish to discuss the point to which I referred a few moments ago, brought out by the able junior Senator from Georgia [Mr. RUSSELL] a few days ago, about the action of the various States on the subject being discussed here. To my mind that is a most important phase of the situation, because we get false rumors and reports and imaginary statements of the large number begging and pleading for the passage of the bill.

As I stated a few moments ago, advocates of the bill went to various States in this country seeking to have the State legislatures pass a similar measure, and in the main the States to which they went were those they thought would be favorable to their plea, because of the large Negro populations. What success did they have? There was no opposition, except of men who were officials of the States, members of the legislatures, who had a duty to perform. No southerner was there, although some seem to desire to charge that southerners are leading the opposition. There was present no person interested in any way in dealing with the subject except from principle. What luck attended these groups pleading for the passage of a similar bill, a fair employment practice measure, after presenting their arguments to the legislatures of 18 States?

Mr. RUSSELL. No; it was 20 States, and 18 refused to pass the bill.

Mr. BANKHEAD. What success did they have, all of them north of the Mason and Dixon's line? If there was any sympathy displayed or any prejudice involved, those matters would have been in favor of the passage of the bill. The legislature of one State after another, with two exceptions in the East, New York and New Jersey, the legislatures in 18 States, declined to pass this so-called fair employment bill setting up a star-chamber court to try individual citizens.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. Did the Senator know that after those figures were compiled the State of California defeated a fair employment practice bill?

Mr. RUSSELL. California defeated it twice. It appears in this list, and it defeated it again last fall.

Mr. EASTLAND. Will the Senator yield for another question?

Mr. BANKHEAD. I yield.

Mr. EASTLAND. Does not the Senator think that from the actions of the 18 States in defeating measures setting up fair employment practice commissions, if this bill were passed it would largely be nullified by the people of the country, as prohibition was?

Mr. BANKHEAD. Yes, it would be like the prohibition law. They do not want it, and they are not going to enforce it.

I shall now read the list of the States. It was read a few days ago, but not consecutively.

California. One of the sponsors of the bill is from California. I understand California rejected it twice.

Mr. EASTLAND. Mr. President, the colleague of the senior Senator from California [Mr. DOWNEY], the junior Senator from California [Mr. KNOWLAND], gave out a statement before the bill was even brought up, calling for immediate cloture to assure consideration of the bill, and then the junior Senator from California was repudiated by his own legislature, which refused to pass the bill.

Mr. BANKHEAD. Colorado. I see one of the able Senators from Colorado present [Mr. MILLIKIN], a man for whom I have the utmost respect. His good State repudiated the program.

Connecticut. That State adjoins the hot bed New York, where the Communists and the Socialists and all that un-American group are agitating for the passage of the bill. Connecticut refused to pass it. One might think that if any State in the Union passed the bill, it would be Connecticut. There is a very large Negro population there.

Illinois. With all the adverse and conflicting interests in that State, and with its two Senators here, one a Democrat and one a Republican, trying to have it pass, Illinois rejected the bill.

Kansas. One of the sponsors of this bill lives in the great old State of Kansas. The junior Senator from that State [Mr. REED], one of my very best friends, has just entered the Chamber. I am sorry he has not been here long enough to hear his friend making an argument. It might have converted him. Sometimes he is open to conviction. At any rate, he knows I think the world of him. Kansas rejected the bill. But here stand the two Senators from that State, in the face of the fixed policy of their State as shown by the action of their legislature, trying to have this bill passed, with all its defects, infirmities, and faults.

Maryland. Both the Maryland Senators are in line with the action of their State, which rejected the bill.

Massachusetts rejected the bill. The two Senators from Massachusetts, one of whom is a Democrat and the other a Republican, are anxious to have a vote on this bill, in the face of the action of the legislature of their State. Minority groups sometimes are stronger than State legislatures.

Michigan, with a tremendous population, liberal in many things, declined to pass a noxious bill of this sort, and I congratulate Michigan. The legislature did not yield to the clamor of the racial groups.

Minnesota. One of the sponsors of the bill, the junior Senator from Minnesota [Mr. BALL], wants cloture applied.

Mr. President, I think he and many other Senators had better appeal to the people of their States, because if they had in effect in their States fair-practice laws like the one we are discussing, they would obtain for their constituents all the benefits which might accrue under this bill.

But they could not get such legislation adopted in their States. The people of those States, as represented by their legislatures, would not pass such legislation. So here they are now appealing from their own local authority to the Congress.

Mr. EASTLAND. Mr. President, will the Senator yield for a question?

Mr. BANKHEAD. Yes.

Mr. EASTLAND. How many of the sponsors of this bill does the Senator think practice its provisions when it comes to employing people in their own offices?

Mr. BANKHEAD. I do not think there is any ground for argument about such a question. I do not see anything like that happening, not even in the case of the Senator from New Mexico.

We now come to the State of New Mexico. We saw the Senator hang his head with a sort of mortification or grief over the fact that his State had repudiated him, but he said that those who had done so were not humane-minded people. He does not excuse or justify them. In a way he joins in the denunciation of them. His people would not pass legislation of this sort. So he comes here and says, "Give us cloture quick so that we can pass this bill which my State does not want."

Then we come to the State of Ohio, the State represented in part by my good friend the senior Senator [Mr. TAYLOR]. He stands against the position taken by his own State legislature, and his Democratic colleague [Mr. HUFFMAN] does the same thing.

Very well, we come now to Pennsylvania. My gracious alive, where is JOE GUFFEY? He has been fighting here for antipoll-tax bills and antilynching bills, and now he comes and fights for the worst bill of them all, a bill which would break down all the constitutional safeguards and protections which surround our people, a bill which would invade the businesses of this country, which would break down the free-enterprise system, a bill which would set up a bureau of irresponsible agents to snoop on business and to search their records, and yet he, a businessman as well as a politician—and I like him personally and am sorry he is not now present—could not control his own State. The Pennsylvania Legislature—I think it is a Republican legislature, and he may be excused, but, anyway, he has lost his grip on his own legislature—says, "No, no; we will not have such an unholy bill." So the Senator from Pennsylvania comes here and says, "We take our appeal to Congress."

Then we come to Rhode Island. There are two Democratic Senators from Rhode Island. Rhode Island has rejected this program. I understand one of the Senators from Rhode Island is in favor of standing by his home people and the other Senator is not. I do not know about that, but that is my inference.

Washington State has declined to approve such legislation. If there is any State in the West that I thought might adopt a program of this sort it is the State of Washington. Former Senator Schwellenbach, of that State, has recently returned to the city of Washington and is now a member of the Presi-

dent's Cabinet. He appeared before a committee yesterday. I do not know who induced him to go before the committee, but he spoke, either before the committee or to perhaps newspapermen, advocating the passage of this bill. If he is really strongly in favor of this bill he should have had more influence at home than he did, for the State of Washington declined to have anything to do with it.

West Virginia also refused to approve such legislation.

Then we come to Wisconsin. What has become of the Senators from Wisconsin who were present a little while ago? Wisconsin is represented by two active and able Senators. I do not know how they are going to vote on this measure. I have an idea about it, but if they vote in line with the fixed policy of their State, as declared by their State legislature, they will vote against this bill. I have an idea how the junior Senator from Wisconsin [Mr. WILEY], who has just taken his seat, will vote. He has never said how he would vote, but he is too broad between the eyes to vote for this bill. I do not know how he will vote.

Mr. President, that makes a list of 26 Senators representing States which have declared against the passage of this bill, or at least have refused to pass a bill when it was put up to the State legislatures for action. That is a remarkable record with respect to legislation such as is now before the Senate, and yet some people pretend they cannot understand why some of us are fighting it. If they will talk to the people of their States who have no axes to grind, who have no political interest, who are interested in the preservation of our institutions, in the principle of free enterprise, and who are opposed to enlarging and extending the bureaus of the Federal Government, they will soon find out the will and best judgment of the thinking people of this country.

Mr. President, we have all declared against the extension of this bureaucratic form of government. I think the leading thinkers on both sides of the aisle are in accord with that principle, and want to get back as fast as possible to local self-government and to responsible agencies of government. They want to economize in government. They have denounced the great, extended, widespread bureaus spreading out over the country. Yet there is brought before us now the proposal to build up the largest one that has been established in this country since the New Deal began, and which is sponsored by the New Deal's chief advocates. I was a New Deal man so long as I thought it was right. I never was a rubber stamp since I have been here, as every Member of the Senate knows, but in the main I had great sympathy and great fellow-feeling with the humane attitude of Mr. Roosevelt and with what was generally called the New Deal. But I did not shut my eyes and take anything that any group handed to me or sponsored in the Senate. I tried to use my best judgment, and I acted as I thought I ought to act, whether I was voting with the majority

or the minority, for the administration or against it. I have had a good many fights here with the President on matters relating particularly to agriculture.

But, now, if Senators will take into consideration the real attitude of business in this country, they will not find many businessmen who favor this bill. They do not want this bureau established. They do not want to have all the agencies that irresponsible members of this Commission may want to appoint to go into stores, into shops, into offices, and into union-labor offices and take their papers, search their records, give orders, and say to them, "If you do not do thus and so, we are authorized to take such effective action as will enforce the policies laid down by this bill." The bill would give the Commission unlimited and uncontrolled power to set up all the agencies they think might aid them—agencies scattered all over the country—and to fill them with irresponsible agents if they should see fit.

Why should anyone criticize those of us who stand here in the hope that we can convince some people of the danger of this program? In my particular section of the country we do not have any trouble with the Negroes. In my judgment, the high-class colored people down there do not want this thing. They know it will stir up strife. They are getting along fine. We have given the Negroes just as good schools as we have given the white people. And, as the Senator from North Carolina [Mr. HOBY] said yesterday, they receive absolute justice in the courts. There is no complaint about that. They receive employment of the class which they themselves know they are qualified to accept. Their children are going to school. I have an idea that the attendance of their children in school is at a higher rate than that of the whites. At any rate, they are very ardently pursuing the opportunity to educate their children.

Now what real friend of the Negro wants to disturb that situation? Who would disturb it unless he did so for a selfish political purpose? The Negroes in the South are not bound down. They are not in peonage. Any of them who do not like the situation there can get on a train, go to some other part of the Union, and say "Help me up; do something for me." They are not seeking that. They are getting along as good citizens and they say, "Let us alone." They are really making progress, and every high-class white man in the South knows it. It is disturbing to all of us that the group favoring this legislation should undertake to bring about strained relations. We would rather let the situation alone. We are not opposing this bill because of any unkind feeling toward the Negro. One does not find many people in the South who have that sort of feeling. Of course, there are some. But the great mass of our people want the situation to go along. They are putting up their money in the form of taxes to help educate colored people, give them good school facilities, and ample teachers. We have had no complaint. Those who are clamoring for the quick passage of the bill have not had a complaint from those

States. We know in our hearts, and we wish we could make others understand it, that the passage and administration of this bill would create strife, animosity, and unkind feelings which do not now prevail, and would do the colored people harm rather than good. Ask any man from the South about it. Politics does not enter into the question.

Mr. President, we believe in a fundamental form of government. We believe in preventing the creation of unnecessary bureaus. We believe in protecting the right of trial by jury. We believe that searches and seizures should be supported by the action required by our Constitution. For all these reasons, while we have been able to get only a few Senators to listen, we hope that this bill will not be permitted to stir the race question from center to circumference of this country.

Mr. McCLELLAN obtained the floor.

Mr. EASTLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Chair recognized the Senator from Arkansas. Does the Senator from Arkansas yield to the Senator from Mississippi for that purpose?

Mr. McCLELLAN. In just a moment I shall be glad to yield. Before yielding, I wish to say that personally I have no desire to disturb Senators who are occupied with other duties. I shall yield for a quorum call if it will not prejudice my rights.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. CHAVEZ. The question is this: Will the Senator yield to the Senator from Mississippi for the purpose which he has indicated, so that the Senators about whom the Senator from Alabama [Mr. BANKHEAD] has been complaining may be present?

Mr. McCLELLAN. I am glad to yield, but I wish to have the RECORD show that it is not because of any desire on my part to disturb Senators who are occupied with other duties. I do not know how many Senators are in committee, but out of deference to the request of the able Senator from Mississippi and the able Senator from New Mexico, I yield for the purpose of a quorum call if it does not prejudice my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. EASTLAND. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Austin	Eastland	Johnston, S. C.
Bailey	Ellender	Kilgore
Bankhead	Ferguson	La Follette
Barkley	Fulbright	Lucas
Blaho	George	McClellan
Brewster	Cerry	McFarland
Bridges	Gossett	McKellar
Briggs	Green	McMahon
Buck	Guffey	Magnuson
Bushfield	Gurney	Maybank
Butler	Hart	Mead
Byrd	Hatch	Millikin
Capehart	Hayden	Morse
Capper	Hickenlooper	Murdock
Chavez	Hill	Murray
Cordon	Hoyer	Myers
Donnell	Huffman	O'Daniel
Downey	Johnson, Colo.	Pepper

Radcliffe	Stanfill	Wheeler
Reed	Stewart	Wherry
Revercomb	Taft	White
Robertson	Taylor	Wiley
Russell	Thomas, Okla.	Willis
Saltonstall	Thomas, Utah	Wilson
Shipstead	Tobey	Young
Smith	Walsh	

The PRESIDING OFFICER (Mr. EASTLAND in the chair). Seventy-seven Senators have answered to their names. A quorum is present.

Mr. McCLELLAN. Mr. President—

Mr. McFARLAND. Mr. President, will the Senator yield to me, for the purpose of permitting me to introduce a bill and to make a few remarks, on the condition that he does not lose the floor?

Mr. McCLELLAN. I am glad to do so, with the understanding that my rights are not prejudiced.

The PRESIDENT pro tempore. Is there objection?

Mr. WHITE. Mr. President, reserving the right to object, I wish the Senator would postpone that request for a time, until later in the day. For the moment I shall have to object.

Mr. McFARLAND. Mr. President, I have been holding up the introduction of this bill for a week. We cannot properly transact business here when we are not permitted to introduce bills.

The PRESIDENT pro tempore. Objection is heard.

Mr. JOHNSON of Colorado. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. For what purpose does the Senator request that I yield to him?

Mr. JOHNSON of Colorado. I wish the Senator to yield to me so that I may request unanimous consent to introduce a bill to govern the effective dates of ratings and awards under the Veterans' Administration, to revise schedules for rating disabilities in 1945, and for other purposes. I assure the Senator that I shall not attempt to deprive him of the floor, but I have tried to obtain—

The PRESIDENT pro tempore. Is there objection?

Mr. WHITE. Mr. President, I am constrained to object. I may as well say that I shall object to all similar requests at this time.

The PRESIDENT pro tempore. Objection is heard.

Mr. JOHNSON of Colorado. Mr. President, will the Senator permit me to say, in reply to the objection which has been made—

Mr. McCLELLAN. Mr. President, I do not wish to yield to any Senator under any circumstances or conditions which will prejudice my right to the floor.

Mr. JOHNSON of Colorado. I should like to ask the Senator from Arkansas a question.

Mr. McCLELLAN. I yield for that purpose, without prejudicing my right to the floor.

Mr. JOHNSON of Colorado. I should like to ask the Senator from Arkansas if he thinks that the situation justifies a refusal to permit Senators to introduce bills on the subject of the welfare of veterans?

Mr. McCLELLAN. Mr. President, let me say to the distinguished Senator from Colorado and to all other Senators who are present that I am ready to yield

for any purpose to expedite the business of the Senate, except for the purpose of having the Senate proceed to vote on or do anything which would prejudice the right to have further discussion of the principal issue which is before the Senate at this time. I have not refused to yield to any other Senator. I am perfectly willing to yield so that my colleagues may introduce bills, so that committee reports may be filed, so that all other things within the rules of the Senate may be done, so long as that will not interfere with or prejudice the right to continue the discussion of this, the most vicious bill which the Senate of the United States has ever been called upon to consider in the entire history of our Nation. I wish to have the RECORD show, Mr. President, that it was not the Senator who now has the floor who has blocked other proceedings in the Senate. I am perfectly willing to yield; I am perfectly willing to have the Senate proceed with anything which is necessary or indispensable to the making of progress, except to lay aside this measure and prevent further discussion of it.

A moment ago I made a rather strong statement. Before I proceed with further discussion of this measure, I wish to say to my colleagues who now are present and who responded to the quorum call, who were not in the chamber at the time when the suggestion of the absence of a quorum was made, that I yielded in order to permit the suggestion of the absence of a quorum only after the able junior Senator from Mississippi and the able Senator from New Mexico [Mr. CHAVEZ], one of the sponsors of the bill, urged me to yield for that purpose. I have no desire to have Senators present merely to listen to my remarks. I have no desire to have a quorum call, and thus interfere with the attendance of Senators at committee sessions, or otherwise prevent them from attending to duties in connection with their offices.

Mr. President, I regret the necessity of having to discuss this measure, not because I do not wish to have my position on it known, for the principal reason that I have taken the floor is to state my position on it. Mr. President, I do not wish to have the RECORD silent; I do not wish to have the RECORD of this body fail to reflect the views which I hold on this question, because I think the time will come, regardless of whether this measure is passed, when there will be sufficient interest on the part of the people of the Nation to cause them to look inquiringly into this record so that they may determine what was the judgment and wisdom of the men who represented them at this time.

Mr. President, we are now making a record, setting a precedent, because if the proposed legislation is enacted, there will be a most radical departure from constitutional government. We are asked to enact a measure which would commit the most vicious and destructive assault on human liberty that ever has been made in America. That is what would be done by enactment of the bill. It would be done in the name or upon the claim of undertaking to protect the alleged rights of certain individuals. However, Mr. President, the truth about

the bill is that it would protect no rights. The individuals concerned already have their rights under the Constitution. This bill would destroy their rights and would penalize American citizens and put them in the category of criminals, after they undertook to exercise their rights.

Let me say at the beginning of my remarks, Mr. President, that the idea of a filibuster, if this be one, is most distasteful to me; it is most displeasing. It is indeed regrettable that there should arise in the Senate of the United States a situation which would require the minority to resort to every parliamentary procedure permitted by the rules of the Senate in order to try to prevent the passage of a measure which is obnoxious to every person who has a fair understanding of the meaning of freedom and liberty. Mr. President, I am willing to join my colleagues who believe, as I do, in undertaking to debate this measure at some length and for some time in the hope that by so doing the American people—not the people in my State, for I am not worried about their views; I know what they are—but all the people of America, all the good citizens of this country, all those who love liberty, all those who have been willing to fight and to die in order that America may be preserved, will take the time and interest to look beyond the title of this bill and to learn what the bill really would do.

The title of the bill is quite attractive, and it has a strong appeal. The bill is labeled a fair employment practice bill. That title is deceptive, Mr. President. The bill would not promote fair-employment practices. I do not hesitate to say that every Member of the Senate favors fair-employment practices. I assert that no good citizen would say that he did not favor fair-employment practices, and no good citizen would necessarily engage in what might justly be termed unfair-employment practices.

Mr. President, I feel that any Senator who has taken his oath to defend the Constitution of the United States is fully justified in resorting to every legitimate means, and every parliamentary advantage which the rules permit if, by engaging in that kind of procedure, he is able to save the Constitution and protect human liberty. Therefore, I now participate in the proceedings, and shall continue to discuss the pending measure without apology, because I am convinced that in so doing I am rendering a service to my country and protecting the liberty which is guaranteed under the Constitution to the citizenship of this Nation.

Mr. President, why do I make that statement? This bill proposes to regulate the employment of individuals. The bill undertakes to state that it is predicated on the right of a man to seek a job, and to have a job, irrespective of his race, creed, color, national origin, or ancestry. Mr. President, jobs stem from only three sources. The first source is the government, which may employ private service. By "government" I refer to all public agencies, whether they be Federal, State, municipal, county, or otherwise. The next source is man's own ingenuity and creation. Every man has the right to create a job for

himself and to engage in any enterprise which he may choose. He has a right to be a lawyer, a doctor, a merchant, or a farmer. He has also the right to work in a factory. He is not necessarily compelled to choose to be an employee. In America he has the right to create his own job and to pursue whatever enterprise he may choose. Does any Senator contend that that right is denied to people in America of every race, every creed, and every color? There is no discrimination in that regard. A man has such a right, whether he be a Catholic, a Jew, a gentile, black, white, striped, or yellow. He may enter into business for himself. He may become a lawyer, a doctor, a farmer, or he may engage in the mercantile business. He has every opportunity to create a job or a business for himself if he possesses sufficient ingenuity and talent and is willing to expend the necessary energy.

The only other source from which jobs come is the ingenuity, the creative will, and labor of some person, or the capital which some person is enabled to invest in an enterprise, and the risk which that person may be willing to assume in establishing a business and providing jobs for others. It is there, Mr. President, that the discrimination in this bill lies. Instead of protecting the rights which people already have, this bill steps over the line and says to the man who has exercised his talents, his energy, his creative will, and has invested his capital in an enterprise which will provide jobs, "You may create this business, you may take the risks in connection with it, you may build this institution, but you may not control it. We will take away from you the liberty which you have heretofore known in free America. We say that you may create jobs, but we now tell you that you will not be permitted to select persons of your own race to work with you. You will not be permitted to select persons of your own faith to work with you. You will not be permitted to exercise the right of choice, the right of judgment, the right of decision, or the right in any way to choose any person in whom you wish to place confidence and trust."

Mr. President, this bill provides that it shall apply to any employer having in his employ six or more persons. That means nothing at all because once the bill has been enacted into law the next step will be a request to lower the minimum number of employees. I see no reason whatever for placing such a limitation in the bill. If there are practices of discrimination which justify the passage of the bill, the man who works in a place of employment where there are employed only five persons is just as much entitled to protection as is the man who is employed in a factory where there are five thousand people employed. There is no justification for limiting the application of the bill to an employer having in his employ six or more persons. However, Mr. President, we are asked to take away the right of such employer to select the person with whom he wishes to work, or the person in whom he wishes to place special confidence and trust. We are proposing to take such liberty away from him. For example, Mr.

President, if I am the owner of a business and I decide that I wish to employ a confidential clerk, secretary, an expert accountant, or some other person in whom I wish to place my trust and confidence, and a Negro should apply to me for that job, regardless of whether he happened to be a citizen of my State, or as I interpret the bill, a citizen of the United States, and I did not give him the job, I would be violating the terms of this bill. That person could even come from Africa and apply for the job. For example, I say to that person, "No; I do not want you." He says, "I am competent. Here is my degree from college. Here is the record of experience that I have had for many years in other enterprises, and I submit to you, sir, that I am competent." If I tell him the truth—that I do not want to employ him because I prefer to employ some one of my own race in whom I have confidence, under this bill, and after having lived under a liberty which has always been mine under the Constitution of America, I become a potential criminal in the sight of the law.

The only way I could escape punishment, the only way I could keep out of jail, if I told the honest truth, if I simply told what I have related, would be by letting the Commission which is proposed to be set up issue its order, telling me the other man applied first, or that the other man had equal qualifications, and they would say, "You were truthful enough or honest enough to tell the truth." Whether I admitted it or not, they probably would know it on suspicion, and in my case the suspicion would be well justified. The only way I could escape would be, when the order or directive was issued, to discharge the man I employed and let a board in Washington, D. C., who know nothing about local conditions, who have no right under free and constitutional government to tell me that I must surrender my liberty, tell me who I must employ. But I would have to obey the order. If I did not obey it, I would go to jail.

Mr. President, that is a new type of liberty, that is a different brand of freedom from any ever referred to in the Constitution of the United States. Under the guise of fairness, under the guise of trying to prevent discrimination, as is said, under the very guise of upholding human liberty, liberty would be destroyed.

Mr. President, there are many who want to make this country over. America is not any longer good enough for them. Everything is wrong with it. They look across the sea and find some countries over there to which they point with such pride that we never hear them criticize them. They want now to discard and abandon and repudiate and make criminal the freedom which built America. They want to look to ideologies from across the seas.

Let me say this to them, "My friends, America today is what she is, America has been the mighty power which redeemed the world, which liberated countries much older than ours, because their systems do not produce." It is not possible to shackle man, to put him in the chains of a Federal bureau, to regulate

his life by totalitarianism, and get progress and get production. Human progress never came that way, and it never will.

Let me state what may follow in America as a result of such foolish proposals as that before us, with people disregarding the Constitution, disregarding the very basis of liberty which made this country what it is. Let me tell what may happen. We may soon lose the character which has sustained America and which built it.

Mr. President, I had the opportunity and the privilege last spring, shortly after VE-day, along with some of my colleagues, to visit the war-torn areas of Europe. I went into a number of countries in Europe, and I shall never forget what I saw there. I had not been on European soil 24 hours before there came to me a sparkling revelation. I had always heard of the great character of the people of a certain nation. I had never been across the ocean before. I had looked forward to going over there and seeing, as I thought I would, a strong people who had ideals, who believed in something worth fighting for. Instead, Mr. President, less than 24 hours after I had been there I said, "The people have no longer any national character, the spirit of the people is dead." It was pathetic, it was pitiful. They probably would prefer liberty, but the impression I got—and I do not think I am wrong, because I think the record of the war gives some indication, at least, some scintilla of evidence, that possibly my judgment is correct about it—was that they would be willing to have liberty and democracy, but they did not have the spirit America had. In my judgment, they did not have the spirit our other allies had, to make the sacrifice, to fight for liberty. They would not fight very hard for it now.

Mr. President, that is what will happen to this country if men's individual rights are taken away from them, if we destroy the incentive which has always existed in the United States. If I go out and produce goods and services, whatever they may be, having market value, I have the incentive or the possibility of some reward, some profit. The profit motive enters in, and when we take that out, our country will suffer.

I have said there are only three kinds of jobs, jobs men create for themselves, jobs other men create and make available to their fellowmen, and jobs which government provides. Whenever we pass laws striking down the incentive of the individual citizen to enter into enterprise and industry that is calculated to make jobs, whenever we strike that down to a point where a man will no longer have his freedom, where he can no longer exercise his judgment and individual will as to what is best for him to do—whenever we strike that down, we are retarding progress, we are destroying jobs, we are doing this Nation great harm.

There is only one other alternative. Whenever men will not venture to start new enterprises and expand and operate old ones because the risk is too great, because they cannot make the choice, because the Congress of the United States

has taken away from them the liberty and right which are inherent in them under the Constitution, has taken it away from them and placed it in a board in Washington, I do not care what the virtue and character of the men may be, how honorable they may be, how sincere their purpose, how high their motives, when we strike that incentive down in an individual and place the authority in a board here in Washington, then we are destroying free enterprise, and when we destroy free enterprise, as I said a moment ago, there is only one other alternative for jobs, and that is for everyone to work for the state, and everyone then will become an employee of the state.

Does anyone think there could be a strike against the state? How long would one last? Any time the state is furnishing the jobs for all the people, as they are in other countries, there is no strike, not even one, not even the slightest threat of a strike. I think they have machines in those countries by which they could detect the threat of a strike. They would give a man only one strike. He would not get three strikes. Is that what is wanted in America? We had better stop this tomfoolishness. We had better not toy with it. It is fire, and we are going to get burned if we fool with it.

Mr. President, let me say something further in this connection. Make certain of this: The laws of retribution man cannot repeal. America has been great because it provided to the individual the greatest majesty and liberty ever known to mankind. Is there any desire to strike that down? That liberty cannot be retained by the constant passing of laws and more laws and more laws, for more regulation and more control, and more elimination of the individual will. That cannot succeed. Retribution will come. It can be postponed for a little while, but it will strike, and it will strike certainly, and then it will be too late. Liberty will be gone.

How long would it take to regain liberty? I do not know. Perhaps it could never be regained. America must keep her character strong, and her character will be no stronger than her will and purpose and desire to retain human liberty. It will never exceed it. The two go hand in hand. If we are not willing to fight to retain it, if we are not willing to face the threats, if there are any, we cannot succeed. There are not any threats in my State. There will not be a handful from there, in my opinion. I sympathize with other Senators. I heard our majority leader say that he is getting letters from his State threatening him. I compliment him for his courage. He said he would not yield to them, said he was going to do what his convictions told him was right.

Mr. President, that is the kind of courage required to retain liberty. The price of liberty is eternal vigilance. I do not have any problem like that. If I did have, I would do just what the Senator from Kentucky is doing. I am glad to know my people are with me on this issue. But let me say, Mr. President, that I would not be surprised if many Senators are not receiving protests. I do not say threats, but I say protests.

Mr. President, I should not be surprised if many Senators were receiving

protests—I do not say "threats," but I say "protests." The Senator from Kentucky [Mr. BARKLEY] used the word "threats." But even if a letter threatens political reprisals, it is a protest as well. I shall not be surprised, Mr. President, if, as this debate continues, and as we take up this measure section by section and point out to the American people the inherent viciousness of it, the people back home, who are listening in, who are reading the Record and the newspapers, and who are studying the question begin to write to their Senators protesting this character of legislation.

Certainly the bill up to now has had an advantage because of the label on it, but one might as well label strychnine "honey" and prescribe it as such, and as being as wholesome, as to label this bill a "fair employment practice bill." The results which will come from its enactment into law will, in my judgment, be just as harmful.

Mr. President, I expect to discuss the bill section by section. I want the Record to show for all time that I have tried in my feeble way, as a humble servant of the people of my State, to warn my colleagues and the people of the country of the great risk, of the great danger, to our Constitution and to human liberty that now exist and the great tragedy that would result from enactment in law of this bill.

Mr. President, in connection with my discussion of this measure I want to make this statement. Of course the race issue is involved in it because of the very terms of the bill. The race issue is inescapable. But, Mr. President, aside from the race issue or the race problem which the bill raises, if there were not a black man in America, if they were all still in Africa, this bill is fundamentally wrong because it establishes by law, in violation of the Constitution, the right in the Congress of the United States to delegate power to a board to regulate the most intimate of a man's relations next to those between him and his church and his family. The Constitution guarantees to the individual the right to life, liberty, and the pursuit of happiness, and in the pursuit of happiness or in the exercise of his liberty he can engage in any enterprise he desires so long as that enterprise or so long as the pleasure which he seeks for himself and acquires for himself does not interfere with his neighbor exercising identically the same right that he takes unto himself.

Mr. President, as I discuss the bill and express my views on it, I accord to the sponsors of the bill and to anyone who may vote for it every measure of sincerity and purpose to serve their country in seeking its enactment, that I claim for myself in doing everything in my power to prevent its enactment.

Mr. President, I do not believe that the idea of this bill was ever conceived originally by a United States Senator. I think its conception came from other sources. I do not think a United States Senator ever conceived it. As I recall, no such bill as this was introduced until after the President had created the first committee knows as the President's Fair Employment Practice Committee. After that many people got ideas, including

Senators and Representatives, and possibly this measure might be a great gesture. Some of those who conceived it may have been sincere. I ascribe sincerity to all of them. I do not say that anyone connected with it was insincere. The bill has an appeal which might deceive the most elect. Unless a man is on his guard, labels and trade names and catch-phrases can be used in such a way as to deceive him, so he would be willing to accept and sponsor something which he would not tolerate if he knew in advance what its consequences would be.

Mr. President, one of the newspapers of my State asked me to make a brief statement regarding this legislation for release in next Sunday's press, so I have prepared a brief statement which I now wish to place in the RECORD. It is as follows:

The pending so-called and misnamed fair employment practice bill is a vicious legislative monstrosity, conceived in the iniquity of political hypocrisy. Its enactment would constitute a devastating assault against human liberty. While it professes to safeguard and enforce alleged rights of some minority groups and individuals, it undertakes to achieve this by denying to employers the right of choice, decision, and judgment as to whom they may employ, whom they may discharge, whom they may promote, and whom they may select to serve them in positions of trust and responsibility.

Mr. President, before I conclude I shall discuss what passage of this measure actually would result in, the great power that it gives, exceeding any power ever delegated before in the history of this country to any board, to any agency. We have condemned bureaus and bureaucracy, but this bill, Mr. President, would set up a supergovernment with powers exceeding any powers vested in the President of the United States under the Constitution, with powers exceeding any powers that the States and the people have ever delegated to the legislative body, the Congress of the United States, with powers that supersede the powers of the courts of the land.

I continue to read the statement:

The measure sets up and establishes a board, a superbureaucratic agency, and vests it with powers of totalitarian rule over the business and economic life of the Nation—powers that would even permit this board to issue mandatory orders to the President of the United States; orders which the President would be compelled to obey and enforce. If the President failed or refused, such malfeasance in office would possibly, under the terms of the bill, justify his impeachment and removal from office.

O Mr. President, we are going far.

The American people need to be informed on this legislation and its inevitable consequences if it should become a law. The destruction of liberty that would follow in the wake of its enactment and enforcement fully justifies those of us in the Senate who recognize this danger in doing everything in our power, in making use and taking advantage of every parliamentary situation that may become available to us to prevent the passage of this bill. For that reason, I shall, along with a number of other Senators, continue to oppose and talk against it.

Yes, Mr. President, the American people need to be informed, and it is most gratifying to me that as this debate has progressed it has become evident that the

people have become informed regarding the dangers of this legislation. That is gratifying to me, even though we must labor under the burden and under the stigma of conducting a filibuster.

Mr. President, when the present occupant of the Chair, the distinguished junior Senator from Georgia [Mr. RUSSELL] today engaged in a colloquy with the very able Senator from New Mexico [Mr. CHAVEZ], one of the chief sponsors of this bill, the Senator from New Mexico admitted, that there had been disclosed to him by reason of the argument made here in the debate that has been conducted for these four or five days, that the bill contains defects, that it needs amendment, that it ought to be revised, I was most gratified. The same thing occurred again on the floor of the Senate this afternoon. The Senator from Oregon [Mr. MORSE], who is so enthusiastically in favor of the measure that he wants to have cots placed in the lobby so 49 Senators may stay here all night, and who perhaps wants to feed them sweet milk with a spoon, who wants to keep them here so he will hold a quorum present to compel continuous debate by those of us who oppose this legislation, in an effort to try to save human liberty—I heard the Senator from Oregon say, "Oh, yes; we have to amend the bill." How much more, Mr. President, will Senators be enlightened if they only remain in the Senate and listen to the debate. This measure needs exposition from now until the time when Senators who sponsor it become fully enlightened. I hope it will not take long; but whatever time it takes, Mr. President, I feel that it is a part of my duty and responsibility to my country—and I know that many other Senators share the feeling—to try to enlighten by colleagues. If I fail, I have but one other recourse, and that is to try to prevent them, in their inability and lack of foresight as to what they are about to do, from crucifying the liberty and freedom which make men majestic in America. I shall continue with that thought in mind.

Mr. MAYBANK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. RUSSELL in the Chair). Does the Senator from Arkansas yield to the Senator from South Carolina?

Mr. McCLELLAN. I yield to my able colleague for a question, Mr. President. I am not yielding the floor.

Mr. MAYBANK. My purpose is to ask the Senator a question. He is making a great legal argument. Is it not a fact that a large number of cotton farmers in the South and a large number of laborers in the South are of the colored race?

Mr. McCLELLAN. The Senator is correct.

Mr. MAYBANK. Is it not a fact that in figuring the parity price of cotton from time to time the cost of labor has been denied the southern farmer?

Mr. McCLELLAN. There is no question about it.

Mr. MAYBANK. I do not know what the situation is in the Senator's State,

but in most Southern States the majority of laborers are of the colored race.

Mr. McCLELLAN. That is correct.

Mr. MAYBANK. Is it not a fact that the majority of the colored people who own property own farms, and work their own farms? Certainly that is true in South Carolina.

Mr. McCLELLAN. That is true.

Mr. MAYBANK. Is it not a fact that recently the OPA desired to place a ceiling price on cotton of 24 cents as of next year?

Mr. McCLELLAN. The Senator is correct. Let me say to my friend that many of those in Government bureaus and agencies are clamoring for the passage of this bill. As the Senator has pointed out, through the OPA and by many other means they are absolutely undertaking to hold the South in a position of discrimination. When I say the South, I mean both black and white alike.

Mr. MAYBANK. I thank the Senator.

Mr. McCLELLAN. I point out to the Senator, as the Senator well knows, that for many years the South has been oppressed because of unfair, unjust, and discriminatory freight rates, which make it impossible for us to ship what we produce across the country on a basis comparable to that enjoyed by other sections of the country.

Mr. MAYBANK. Does not the Senator agree that in the South, as well as in the Southwest, discrimination in freight rates, discrimination in the price of cotton, and discrimination in considering the cost of labor in producing farm commodities affects not only the minority groups, as they are called, but all the people of that region?

Mr. McCLELLAN. Absolutely. When the proponents of the bill offer a little measure such as this—little in the fact that it hunts out little things to try to correct, insignificant things as compared with other conditions which ought to be corrected—they are simply straining at a gnat and swallowing a camel. They seek to correct little things, but the power which it is proposed to use is tremendous.

Mr. MAYBANK. Mr. President, will the Senator further yield?

Mr. McCLELLAN. I yield to the Senator for a question, without prejudice to my right to the floor.

Mr. MAYBANK. Is not the preponderance of the population of the South engaged either directly or indirectly in agriculture?

Mr. McCLELLAN. The Senator is correct. There is no question that if the shackles of discriminatory freight rates were removed from the South, the South could become the greatest section in this Nation or in the whole world. We have been made the victims of prejudice, abuse, and slander, and of measures which undertake to retard our people and deny us the opportunity for equality in our economic system. If the Congress wishes to do something for the colored people in the South, let it remove the discriminatory freight rates and give us our economic freedom. We will take care of our problems. We have no race problem in the South.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McCLELLAN. Just a moment, and then I will yield.

There is no race problem in my State. The only race problem down there is in the minds of people in other sections of the country who do not know a thing about it. It is imaginary. We get along fine. The bill refers to "domestic strife and unrest." Such strife and unrest do not exist, but the way to create them is by the left-handed means of ignoring the Constitution and imagining that the South is a stepchild which needs to be reformed. The South does not need to be reformed. Take the economic chains off us and turn us loose, and we will be there at the finish of the race.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from New Mexico for a question.

Mr. CHAVEZ. If the Senator will indulge me very briefly, I agree with the many things which the Senator has stated. I agree with his statement as to discrimination in freight rates; and I will join the Senator from Arkansas, any time he is ready, in an effort to relieve that situation. I know that economic discrimination exists against the South and the Southwest. But, Mr. President, there is another discrimination against the South. I refer to political discrimination by our own party, the party of the Senator from Arkansas, and the Senator from New Mexico. One needs only to attend a national Democratic convention and dare to present the name of a good man from the South for President, to see how far he will get if he comes from below the Mason and Dixon's line. I know that the South has many men who could be fine Presidents of the United States if they were nominated by the Democratic Party. The Senator from Arkansas knows that that condition exists.

Mr. McCLELLAN. I thank the Senator from New Mexico. Let me say to him that I know that the condition to which he refers exists. As soon as those who are dominating the politics of this country and who entertain that sort of prejudice against the South learn that many people in New Mexico came originally from Arkansas and other places in the South, I doubt if a man from New Mexico will have a chance, unless this prejudice can be removed.

Mr. CHAVEZ. I know he will not.

Mr. McCLELLAN. It ought to be removed. While we are on the subject, I wish to make some comment on it.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the able Senator from South Carolina for a question.

Mr. MAYBANK. I ask the Senator from Arkansas if it is not a fact that the records show that the lowest per capita income of American citizens today is that of the American farmer as a group.

Mr. McCLELLAN. Yes; we all know that.

Mr. MAYBANK. Is it not a fact that most of the colored people in the South who own their own businesses, or are working for themselves, are farmers?

Mr. McCLELLAN. The Senator is correct.

Mr. MAYBANK. Would it not be better for the Congress of the United States to appropriate sufficient funds, or to discuss a method for the relief of the farmer, rather than to discuss the merits or demerits of this bill, if the bill should come before us for discussion other than through amendments to the Journal?

Mr. McCLELLAN. I have already stated that I believe this is the most vicious and pernicious legislation that has ever been presented in this body. I should like to use stronger terms. Certainly there is not a bill on the calendar, not a bill in committee, and not a bill which has been introduced which I would not rather see enacted than this measure.

On the question of prejudice, inasmuch as the racial issue is inevitably involved in the discussion of this measure, I wish to disclaim any prejudice against the Negro race. I have lived in the South all my life. My people never owned slaves, so far as I know. Back through the history of my family my people were tenant farmers until my father became a country school teacher. He went to school after he became 17 years of age, until he was able, by working during the day and studying at night, going to school 2 or 3 months out of the year when he could afford to do so, to obtain what is known as a second-grade school-teacher's license. Later he obtained a first-grade license, because he continued to apply himself.

When I was 12 years old he became a country lawyer. We did not own any land until after he became a country lawyer. So far as I know, no one in the family owned any land.

So, Mr. President, I do not feel any prejudice against the Negro race. I have known their problems, and I have known the relationship which has existed during all these years between the Negroes and the whites in my State. I have never had any personal difficulty or quarrel with members of the Negro race. I have never had litigation with them. After I became a lawyer I defended many of them, under circumstances in which I incurred the ill will and risked the threats of white men of means. But I defended them without charge. I recall so well many cases of that sort.

Mr. President, I do not wish to see the Negroes oppressed. What I do want is segregation of the races. We in the South do not wish to have social equality between all races, so that we would be compelled to surrender our right under the Constitution to associate with those of our own race if we choose to do so. We do not wish to have that barrier stricken down. We do not wish ever to see the amalgamation of the black and white races occur. We shall guard against that, Mr. President; we shall protect the integrity of our race all we can. There is no prejudice against the Negroes. We want them to prosper. We want them to have jobs. So far as I know, in the South the Negroes have every opportunity which anyone else has. Some persons say, "Well, you in the South do not make one of them your confidential secretary." No, Mr. President; we do not. We are not going to

make them our confidential secretaries up here, either, if we can help it. Let me say to the Senators who are sponsoring this bill, let me say to those who say they have committed themselves to favor it, that they are rather late about beginning to practice what they preach. If I believed in it as they say they do, I would employ a Negro in my office, even if it was the last thing I did. I would get one there before I came to the Senate Chamber; I would not even answer a roll call here until I employed a Negro to work in my office, if I believed in doing what the sponsors of the bill advocate. But I am not going to practice that.

Mr. President, the religious issue also is mentioned in connection with the bill, for it refers to race, creed, color, or religion. Mr. President, I am a Baptist. I am one of the real Baptists; I am the sort of Baptist who believes that once you hook your caboose onto the Lord's heavenly train it stays there. Do you know what I mean? I believe that the Lord saves you only once, and that if He saves you He does a complete job of it. That is the sort of Baptist I am. That sort of doctrine is adhered to by a religious group or sect of people among whom some persons who are prejudiced against other religious denominations are sometimes to be found. Therefore, Mr. President, some persons might assume that I would be prejudiced against Catholics. But that is not true; I am not prejudiced against Catholics. In 1939 I was invited to join one of the oldest, longest-established law firms in the southern part of Arkansas. I joined that firm. I joined it knowing that every member of it was a devout Catholic. I found my relationship with them fine. I enjoyed it. I never had a finer relationship with any of my fellow men. Mr. President, I am just as tolerant as anyone. I joined that firm in spite of the fact that it might have been said that by so doing I would be jeopardizing my chances for election if I ever ran for office again. I am not afraid of that. As long as we do right, Mr. President, we had better accept defeat rather than sacrifice our convictions. Mr. President, during the war, when our boys were overseas fighting and dying for this country, I thought that any Senator who would stop following the dictates of his conscience or would let the threat of political defeat influence his vote or deter him from doing his duty would not be worthy of his office. What of it if I lose in a political campaign, Mr. President? Ah! If I have stood for the right, I need have no fear, for then I shall have performed the service I owe to my fellow man, to my God, and to my country. When we do that, what can others do to us? Our boys died to preserve that right, and no threat of defeat in a campaign will deter me from it.

No, Mr. President, I have no prejudice against anyone's religion. I accord to everyone the right to believe whatever he chooses. I accord to everyone the right to disbelieve anything in which I believe. I can be tolerant. I condemn no one for any religious view he may have. I do not even condemn the people of whom we have read who believe that

they ought to play with snakes. I do not want to play with snakes; you will not catch me touching one. If they can play with a snake and get to heaven by twisting one around the neck, God bless them; let them go. They will not have any interference from me.

No, Mr. President; I am not prejudiced. Many people are prejudiced against Jews. I cannot say that I am. I have never had a quarrel or any difficulty with a Jew or with anyone of the Jewish race. I do know and I do recall with great satisfaction and much gratification two Jews who befriended me, who did for me as much as my own father could have done, and I will ever be grateful and indebted to them and I will revere their memory as long as I live. One of them has passed on to his reward. I shall never forget them. My association with both of them occurred in the period when I returned from the First World War, after I was discharged from the Army. At that time I was broke. I had been in the hospital for 4 months. I came out of the Army walking with a cane. It took me some time to become readjusted. I had no assets. I was only 23 years old, and all on earth I had that was worth anything to me at that time was a license to practice law. I had many debts and many liabilities; I was in that embarrassing situation. My friends, it was a Jew, and the only Jew in my little home town, who was the first person who, knowing my position, came to me and offered me his confidence and his faith. He said to me, "Come into my store and select from my stock the best I have. I believe in you and I know your situation is temporary." Ah, Mr. President! There is no prejudice in my heart against a Jew.

Six months later I went to the county seat of an adjoining county and started to practice law. I had to buy a law library on credit. Ah, Mr. President! Again it was a Jew who offered me the most assistance, the most counsel, who almost took me into his arms and helped me, a young man, to get a start. So, Mr. President, there is no prejudice in my heart against any man.

But I do have pride in my own race and I do have a choice in my soul as to those with whom I associate, and when and where and under what circumstances and in what relationships. I do not wish to have it destroyed by the Congress of the United States, and I do not wish to have it destroyed by the arbitrary rulings of some bureaucratic group the Congress might create. That is why I am standing here today. I do not believe the American people want it destroyed. I am not talking for myself personally, although I am willing to do so. No, Mr. President; I have no prejudice against the Negro race, against the Jews, against the Catholics, against anyone else. I accord to them every right which I take for myself. If they have a church or a society or an industry in which they wish to have only persons of their own race or faith, I would not interfere by asking for employment there, and I would not expect it. Every American wishes to be free to have that right. If we destroy that right we destroy the liberty which has made America great.

XCII—22

Mr. President, I wish to say something else for the RECORD. I do not like to refer to this, but I would not want by my silence to permit the RECORD to stand in such a way that there could be any possibility that in the future, whether in the immediate future or in the years to come, someone who read the RECORD made here by one of my colleagues the other day could gain the impression that there were other Members of the Senate, or at least the Senator from Arkansas, who subscribed to any idea similar to the one which then was expressed; in other words, Mr. President, I do not wish to live surrounded by neighbors who are Negroes. I do not want to be required to live in the same apartment house with Negroes. I do not wish to buy a home in a Negro district and take my wife and children to live there. If that is prejudice, I am prejudiced. I want to be free to exercise my choice as an American. If I wished to live in a Negro district, I maintain that the Congress would have no right to prevent me from doing so. If I do not wish to live in a Negro district, I maintain that the Congress has no right to require me to live in one. The Congress has no power under the Constitution to compel me to live where I do not wish to live. That is true with reference to my work. I have created it. If I can furnish employment to a person I have created something. He has no inherent right or interest in what I have created. I have the control of it as long as I am a freeman. I have a right to discriminate. Mr. President, when I use the word "discriminate" I mean to use it in the sense that it is used by most men, namely, a discriminative mind, a creative mind. Men who do not discriminate, men who are indiscriminate, men who do not have ambition and are indifferent, make no contribution to the world. They never create jobs. If I create a job by my work, industry, ingenuity, investment of my savings or capital, and assumption of the risk of making a profit or a loss, I have the right to say who shall stand in an employee relationship to me and help me in the pursuit of my liberty, help me in expanding the business, and help me in creating other jobs which will be a blessing to humanity.

Mr. President, I am not prejudiced, but I want my freedom. I want to retain it. We shall not be retaining freedom in America by establishing such an agency as is provided for by the pending bill. If such a bill is ever passed we will rue the day on which such a vicious bill was given our approval.

Mr. President, before I conclude my remarks I wish to discuss the bill section by section. I have covered many of the general aspects of it, but I wish to read it. I wish to point out what the bill will permit being done. Then I shall show that no man can correctly deny that the bill is destructive of liberty.

Before finishing I intend to advert to the remarks which I made in connection with the consideration of one of the appropriation bills which was before the Senate in June 1944. At that time we were considering appropriations for war agencies. As I now recall, in the bill which was then under consideration there was contained a \$500,000 appropriation

item for the operation of the present Committee on Fair Employment Practice. Before I conclude, I expect to read excerpts from my remarks because I then gave the warning that if we approved the requested appropriation the time would come when we would be in the same situation which the Congress today faces, namely, that we would have to fight with all our strength and might in preserving the Constitution and the liberty of the people. After a bill of the character of the one now pending is passed and enacted into law it is only a step before all our liberties will be stricken down.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. WHERRY. Mr. President, I ask unanimous consent to be excused from attending the session of the Senate next Friday afternoon.

The PRESIDENT pro tempore. Without objection, leave is granted.

Mr. McCLELLAN. Mr. President, I do not wish to longer keep my colleagues here in the Senate. I can continue indefinitely if the Senate desires me to do so.

Mr. WHERRY. Mr. President, no Senator has a higher regard for the Senator from Arkansas than have I. I am glad to listen to him. I wish the Members of the Senate to know that I have taken a vital interest in the discussion which has taken place in the Senate. I have appreciated not only the speech of the Senator from Nebraska, but the speeches of other Senators, as well, who spoke on that side of the aisle. What I have said comes from my heart, and I want the Senator from Arkansas to know it.

Mr. McCLELLAN. Mr. President, I thank the Senator most kindly.

As I have already said, I wish to read from the bill. I will read the first section of it because it lays the premise for the so-called need of legislation of this character. By passing the bill the Congress will be saying that it makes and determines a finding of fact which justifies the enactment of the legislation. Let us see what the bill says.

Section 1 of the bill begins as follows:

The Congress finds—

Mr. President, that is a determination. It is assumed that we have made an investigation and have informed ourselves. We are making a finding—

that the practice of denying employment opportunities to, and discriminating in employment against, properly qualified persons by reason of their race, creed, color, national origin, or ancestry, fomented domestic strife and unrest.

Mr. President, I deny that any such practice as is referred to in the language which I have read exists to the extent or to the degree that by reason of it there is any strife or unrest in America which may be attributed to that cause. I invite attention to all the strikes which are now threatening the very lifeblood and economic blood of this country, threatening to close down all industries of the country, and are threatening to result in hungry people because of their inability to obtain meat, and services of transportation. Why do those strikes exist today,

Mr. President? Is it because of race differences or race discriminations? What is the reason for them? I can tell you one of the reasons for them. One of the reasons is that the Congress delegated powers which are now being used in the form of force in order to bring about settlement of labor disputes. I am not attempting to place any blame on anyone, but I do assert that there must be found some legitimate and fair means of making it impossible for any minority group in this Nation to cause all the American people to suffer merely because some among them may not be able temporarily to have their way.

What I have said, Mr. President, applies just as much to management as it does to labor unions and labor leaders. I am speaking of all of them. I am talking about a tragic situation which now exists in America. The Senate of the United States should be endeavoring to find the answer to that very vexing problem and unhappy condition which is threatening the economic life of this country. That, Mr. President, is what we members of the Senate should be doing today. There is talk of peace. Mr. President, there is no peace in America today. There is turmoil, strife, and unrest. But those conditions do not exist because of the things which are stated in this bill. No such condition as is referred to in this bill has caused strife or conditions which threaten America today. I deny the premise upon which this bill is predicated. I deny that there is strife now existing because of race, creed, or color. I know of no strife between Baptists and Catholics. I know of no unrest with regard to either of them. They have lived together in this country ever since our Constitution was adopted, ever since the country was settled. Each has his own views, and pursues his own course in the search for liberty.

If Congress has the power to pass such a measure under the guise of removing a burden hampering or interfering with commerce, if we can pass a law like that, Mr. President, I say that we can make a Catholic priest employ a Negro Baptist preacher as his assistant. If we have the power to do one, we have the power to go a little further, and it is like a snowball rolling down hill, the further we go the bigger the power gets, the further it reaches out, the more it drags in, the more it embraces, the more liberties will be lost.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. RUSSELL. I should like to ask the Senator, while he is discussing this preamble or statement of facts, if the Senator does not know that the Supreme Court has held that it cannot go beyond the declaration of facts Congress has approved and supported, that it cannot inquire into the truthfulness of it, and that this is just an effort to have us declare a statement of facts that is not based on facts or truth in any regard, in an effort to give this monstrosity some standing in a court of law as being constitutional.

Mr. McCLELLAN. Of course, that is the purpose of it, and that is why I am

discussing it. I am denying that such a condition exists. I should like to hear the authors of the bill point out where that strife is today, where the unrest is. Everyone knows where the turmoil is, the fight over increasing wages, a fight between management and labor. Creed and color and religion have nothing in the world to do with it. The turmoil in America today is over the almighty dollar. We can say that the laborer wants an increase in wages, and management wants to keep more profit. That is the controversy in America today. Congress has not set up adequate machinery to prevent that turmoil from developing, and find a way to restore orderly relationship between industry and management and labor. That is the great need of this hour.

Mr. President, I make that statement without pointing a finger of accusation in either direction. I merely look upon the helpless American people, who will have to suffer if this condition continues; and it will continue, in my judgment. The threat is that it will continue until and unless Congress finds an answer, and passes some legislation which will enable government to function and bring about a settlement of these disputes.

Mr. President, the Congress or the Senate would not contribute anything by this character of legislation. I am not criticizing anyone for bringing it up. I am not criticizing the manner or the time of bringing it up, insofar as it was brought up under some misapprehension that it would not be brought up at that time. I am criticizing no one for that. Misunderstandings arise, and sometimes there are other influences. My understanding is—it is a rumor, and I have not verified it—that the sponsor of the bill, who brought it up, although he possibly had not intended to at that time—and I am not trying to make a statement in his absence—had not intended to bring it up that day, but I think possibly he recognized that if he did not, someone else would grab the ball and run with it, and he brought it up in self-defense. If he acted on those considerations, I should not object. What I am saying is that, with the Nation in the throes and grip of strikes, which are about to paralyze our industry, to throw millions of people out of jobs, and cause millions to go hungry, unless the strikes are stopped quickly, we find ourselves in this situation, and I would never be a party to delaying action on most any bill, except one I regard as vicious as the one we are discussing. I shall do my duty as I conceive it to be, in keeping with the fact that I have taken an oath to defend the Constitution of the United States, and that oath binds me to use every legitimate means available, as I started in the beginning of my remarks. I wish we could lay the bill aside, but we cannot.

Mr. President, the preamble, in an effort to lay some premise or justification for the enactment of such legislation, after saying that the practice of denying employment because of race, creed, color, national origin, or ancestry, foments domestic strife and unrest, says that it "deprives the United States

of the fullest utilization of its capacities for production."

Mr. President, I believe every man in a minority group in America today who wants a job can get it if he seeks it. Perhaps he cannot get just as big a job as he had last year, or with quite as much "take home" pay, as it is called. That may be true. I do not get as much "take home" pay, if we are talking about that. Our salaries have not been increased. The cost of what we buy, the cost of every manufactured article, has been increased, and we do not have the same "take home" pay. In addition, our taxes have been increased.

I know it is true in my State that there are some thousands who are drawing unemployment compensation, and I appreciate why they do that. They worked in the war plants, and when the war was over and they were laid off, they figured, as we might in the same situation, "These other fellows who were working were laid off and are drawing their unemployment compensation, and why should we not do so?" They are doing it, and are not going back to work until they are through drawing it. Is that making the fullest possible utilization of our capacities for production?

Is that due to the alleged discrimination? No; it is under policies of Government and under laws Congress has enacted. Strikes might have something to do with the situation; they might increase unemployment, but that is by choice. If we did not have the strikes, and industry were permitted to run and operate today, there would not be any lack of utilization of the fullest power of production. The demand is here. The wheels of industry are ready to go to turning again to supply those demands. The trouble is not in racial differences. The trouble is not in religious differences. The trouble is not in the policy of employing any individual. It goes far deeper than that. Some are taking a mole hill and trying to make a mountain out of it in order to find some little measure of justification for pushing this measure, for incorporating some provision in the law which would permit the Supreme Court to sustain it as being constitutional. Therefore, we are asked to make that finding.

Mr. President, this has no more influence on the full utilization of America's productive capacity than does the fact that we pension our war veterans who are disabled. It has no influence whatsoever. The title of the bill is a misnomer.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am glad to yield for a question.

Mr. RUSSELL. Does not the Senator also apprehend that perhaps this question is being presented as it is in the bill before us, raising this issue that discrimination has been practiced and is responsible for the difficulties in which we find ourselves today, from a desire on the part of groups in this country which are seeking to array one group of Americans against another, one section of this Nation against another, to promote a feeling of class consciousness in this country, hoping that by accentuating

racial differences, class differences, and differences between sections of the country, they will be able to seize upon the unrest and the strife brought about from other causes and thereby accomplish their purpose in destroying our form of government?

Mr. McCLELLAN. Yes, Mr. President; and let me say, in answer to the Senator's inquiry and conclusion, as I have said, I make no charge of insincerity on the part of those who are sponsoring the proposed legislation, or who may vote for it, but the best answer to the question, and the conclusive proof, in my judgment, is that every man in the United States of America today who desires to change our system of government is for the legislation. That is the answer. A majority of the people in the United States of America today who wish to preserve liberty, in my humble judgment, are very much opposed to it, and more of them will be when they become informed. That is a real service, Mr. President, which I hope we are rendering to the country by the continuous discussion of the bill. The more radio commentators and newspaper columnists criticize and condemn us the better it will be. I wish the radio commentators would stay on the air all the time and direct the attention of the Nation to what is attempted to be done here. I should like to have all the people of the country as an audience as I discuss the bill, and confine my remarks directly to its provisions, and what the consequences of its enactment into law would be. I should like an opportunity to present the true situation to the American people, not that I believe or am under the illusion that I am the proper one to do so, or the one in this body best fitted to do so, and who could most effectively present the case, but I should like the privilege of pointing out to the American people what the bill will really do. I hope this discussion will continue, and that the radio commentators and the newspaper columnists continue their remarks, even though they do so by way of vilification or abuse of those of us who are opposing the legislation. I wish they would continue, and use any language they wish to use in describing us, and impute to us any motives they wish to impute. I want them to continue so that the American people may be aroused and will look into the merits of the legislation and will learn what will happen to them if it is enacted into law. They can render a great service to the country by continuing their criticism.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. RUSSELL. I should like to ask the Senator if, after all, there is not more of hope on the Senator's part that such a thing will occur than there is faith that it will occur? The Senator has not observed that those who have denounced us for opposing this so-called fair bill have in any instance had the innate sense of fairness which would prompt them to point out the defects of the bill which the sponsors of the bill have admitted on the floor of the Senate. Not once, to my knowledge, have these radio commentators, in denouncing those of us

who are attempting to educate the country as to the dangers of this measure, pointed out the invasion of the Anglo-Saxon jurisprudence that the bill would perpetrate. Not once has one of them pointed that out. They talk about it as a bill for the welfare of the American people, but not once have they pointed out that this measure would charge this agency with the responsibility for finding employment for aliens whom they might charge were discriminated against, and therefore, there being only so many jobs, that would result in discrimination against American citizens. Not once have the sponsors pointed out any of the other frailties of the bill, many of which have been admitted here on the floor of the Senate. On the contrary, they have merely said that there was a group of men attempting to filibuster against a bill to assure fair employment, a policy which every person favors in general terms, even though we might not be willing to strike down the rights of the individuals of this country by enactment of what some might denominate a fair employment practice bill.

Mr. McCLELLAN. Mr. President, that is just what I am trying to emphasize. I am not critical of any particular radio commentator, announcer, or newspaper columnist. I can well understand that their views, just like the views of others, will often conflict with mine, and I accord to them every right of freedom of speech and freedom of thought and freedom of conscience that I take unto myself. I am not critical of them. I do not mean to criticize them. What I am saying is that I hope they will continue their blasts on the radio, even though they impugn my motives, even though they may want to call names. I want them to continue and to say anything to arouse the American people, to get the interest of the people concentrated on this matter, get the people to listen to what they have to say about it, to read about it, and to take counsel as to what this vicious thing would do to them. If they only do that, they will be performing a service to their country. The fact that in doing so they may indulge in criticism of some of us makes no difference to me. I am never worried about what people say or write about me. I have always thought somewhat along the line of the philosophy of old Hambone that "Half the lies they told on me wasn't so nohow," so I let them do their worst.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. MAYBANK. The Senator recalls the case of the Dallas News. The testimony given before the Appropriations Committee was to the effect that no complaint was brought against the Dallas News by any individual, but that certain employees of the FEPC believed it to be their duty to scan the newspaper advertisements and determine whether, in their opinion, any of them violated FEPC regulations.

Mr. McCLELLAN. I understand the Senator to refer to the case of the Dallas News in which an advertisement was placed in the newspaper for colored help, and the FEPC undertook to prosecute

that newspaper under authority of the Executive order.

Mr. MAYBANK. Without any complaint being issued; yes.

Mr. McCLELLAN. Yes; without any complaint being made.

Mr. MAYBANK. The employees of the FEPC scanned the newspapers, and they construed a certain newspaper advertisement to be, in their opinion, unfair. There was no complaint made, however, as I remember.

Mr. McCLELLAN. No complaint was filed. These employees of FEPC simply took it upon themselves to prosecute. While such action may or may not have been legal under the Executive order, I say that such action would be legal under the provisions of this bill. No one could advertise in a newspaper for a colored porter, or for a white bookkeeper or stenographer or secretary without violating the provisions of this bill.

Does America want anything like that? I challenge any Senator sponsoring the bill or supporting it to deny, or to make a presentation which would convince any reasonable-minded man, that I could advertise for help and in that advertisement make any reference to color, religion, race, or ancestry. Under the bill I could not advertise and say I wanted a white man, or that I wanted a black man. I could not say I wanted a Baptist to join me and help me in my business. I could not say I wanted a Jew so he could help me become acquainted with all the Jews in the neighborhood, the community, the trade area. I may not have a Jew in my employ, and might want one, but I could not advertise for one. If I advertised for a Jew and the next day a man applied for the job who was not a Jew and I turned him down, or if I advertised for a white man, or if I advertised for a black man, or if I advertised for a Protestant, or advertised for whomever I wanted to employ, and then turned down an applicant whom I did not want, I would be guilty, under the terms of this bill, of the rankest discrimination. I would also be subject to the penalties which it provides if I did not obey the order and the mandate of the Commission proposed to be set up. I would be cited to show cause why it should not issue against me an order compelling me to desist from doing what I was doing. That is not all it would do. If I did not obey that order I would be sent to jail. Is that what we want in America?

Mr. MAYBANK. Mr. President, will the Senator yield further?

Mr. McCLELLAN. I will yield for a question.

Mr. MAYBANK. Does not the Senator believe that the interpretation placed on its powers by the FEPC in connection with the Dallas News case also would apply to the radio, and to any advertisement that might be made for persons to sing over the radio or for employees in radio studios?

Mr. McCLELLAN. There is no doubt about that. The Senator from South Carolina pointed out that no complaint was made in the Dallas News case, that no charge was filed, that it was simply a case of busybody snoopers, official pests

who were authorized to run around over the country and pry into other people's business. That is what will result from this bill. There is no limit to the number of persons who might be employed in doing things of this kind. There are no qualifications provided with respect to those who may be employed, examiners and investigators who would go into the field. These investigators who will be sent out to harass and intimidate the American citizen, the American business man, the American employer, the American farmer, and members of school boards throughout the Nation, county officials throughout the Nation—these investigators will be the judges, the juries and the convicts. Make no mistake about that, Mr. President. This Commission will sit here and its members will each draw a salary of \$10,000 a year, as much as is paid a Senator or Representative. They will not review the cases.

The Commission could even appoint the Ladies Auxiliary of the Negro Methodist Church down in Pumpkin Valley, in the hills of Arkansas, to serve as an investigating agency and make a report to it. Read the bill. Any agency can be named. What is an agency? The bill says "The Commission, or its duly authorized agents or agencies." The bill would give such agents or agencies the power to harass and intimidate anyone they desired to harass and intimidate. The Commission would be given the power to name any sort of an agency to try a defendant. The Commission would not try him. The men whose names would be submitted to the Senate for confirmation, and who would finally receive Senatorial approval, would not try a defendant. There would be literally thousands of cases. The members of the Commission would never see the record, except long enough to sign their names approving what the investigator had reported.

Mr. President, make no mistake about it. If this measure is enacted into law the liberties, rights, and freedom of American citizens will hang by a slender thread. No qualifications are required in the case of agents of the Commission. No Senatorial confirmation is required. It would be the agents who would say whether an offender should desist, or make restitution of back pay. They would be the ones to say whether an employer should keep this employee, or discharge that one.

Mr. President, I wish the American people could see the implications of this bill, and that what will happen if it becomes a law could be revealed to them. If Senators could see a few months ahead, or 3 years ahead, in my judgment not a single Senator would be willing to support the bill.

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. MAYBANK. I should like to ask the distinguished Senator from Arkansas whether or not he believes that the OPA, through its investigators, violated, in essence, the Constitution as we know it, in subpoenaing books and snooping around from place to place.

Mr. McCLELLAN. Mr. President, I am not familiar with all that the OPA has done. I do not wish unduly to criticize that agency. I believe I am familiar with a few cases in which the OPA, or its agents and investigators, have gone far beyond the bounds of propriety and beyond the requirements of the full discharge of their duty.

Mr. MAYBANK. If the Senator will further yield, I might make this explanation: I thoroughly agree with the Senator that in many instances the OPA acted properly, but in some instances it did not. I ask the Senator if those who were in charge of the cases in the OPA were under the Department of Justice, or whether their appointments had the approval of the United States Senate.

Mr. McCLELLAN. Of course not. The same thing would be true of the agents of the proposed organization. People are thinking in terms of a board, confirmed by the Senate. The Commission is expected to be the jury. It is said that they will be good men, whose integrity will be beyond question, because the Senate will confirm their nominations. But, Mr. President, the Commission will not try an alleged offender. It is the little investigator who will try him. The bill does not provide that all the investigators must be paid. I suppose volunteer investigators could go out and harass people, as has been done in the past.

Mr. MAYBANK. In view of the fact that the Senator has answered my question in connection with the Commission, whose members are to be confirmed by the Senate, let me ask the Senator two further questions: Is it not a fact that the bill directs the transfer to the Commission of the present employees of the FEPC? And is it not further a fact that, regardless of what our personal opinions might be about the OPA, which has done a great job in some lines, as we will admit—

Mr. McCLELLAN. I agree with the Senator. I was speaking purely of the investigation powers under the law.

Mr. MAYBANK. I ask the Senator if he does not agree that, in the first place, under the terms of the bill the present employees of the FEPC would be transferred to the new organization, without regard to civil service and without regard to any laws enacted by the Congress; and further, that the investigation powers of the FEPC are "super-duper" investigation powers, which the OPA tried to invoke?

Mr. McCLELLAN. That is true.

As I have stated, before this debate concludes I expect to discuss every section of the bill. I cannot do less, Mr. President, unless I know that the bill will be defeated. I feel so deeply that I believe I am in duty bound, under my conscience and my oath, to do everything legitimate within my power to prevent the passage of this vicious measure. That I intend to do, insofar as I have the strength and am able to do it, under the rules governing the procedure in this body.

I have not referred to many provisions in the bill in answer to the Senator's questions, because, as I say, it is my intention before the debate is concluded to discuss every provision of the bill. I say

that because I do not want this record closed without my having done my best to call to the attention of my colleagues—both those who are willing to listen and those who cannot be present, but who are willing to read—every opinion which I entertain and can express in my earnest effort to interpret the measure in terms of its practical effect on the American people. If I were to do less, in my judgment I should fail to meet my full responsibility.

Mr. President, in connection with the first section I had proceeded as far as line 9, ending with the word "production". Section 1, under the heading "Findings and declaration of policy," declares that the alleged discrimination exists—and the Congress must make such a finding—to the extent that it endangers the national security and the general welfare.

Mr. President, is this country in any danger? It is not in any danger because I choose to have a white man or a white lady as my secretary. I am not interested in the question of religion. I am indifferent to it. A Catholic is all right. A Jew is all right. They would not be obnoxious to me. It would be a pleasure to have a good Jew citizen in my office. But I do not want a Negro secretary. That is my business. I have my own reasons for it. I could give 10,000 reasons. That is a right which I possess as an American citizen, and under the Constitution that right cannot be taken away from me.

There are reciprocal rights under the Constitution. A person has a right to seek work; and if I create the job I have a right to say, "No; I choose the other man." If I want a Baptist, a white person, or even a colored person in the job which I have created and for which I am responsible, I have a right to say so.

Mr. EASTLAND rose.

Mr. McCLELLAN. I yield to the very able Senator from Mississippi.

Mr. EASTLAND. The Senator has answered my question.

Mr. McCLELLAN. Mr. President, the national security is not threatened by reason of what has been alleged. A while ago I spoke about what was threatening it. The Congress had better get busy. Members of Congress cannot escape their responsibility. We cannot absolve ourselves from blame which will rightly attach to the Congress if we sit here and spend our time on the most highly controversial measure that has ever been introduced in the Congress, in my judgment, to the neglect of more important things—first things. I cannot escape my responsibility. Neither can any other Member of Congress; nor can we collectively escape our responsibility. We shall be compelled to accept some of the blame.

Irrespective of the divergent views among us, I believe that every Member of this body realizes that some legislation is needed to settle the real strife and turmoil which exists in America and which is endangering the national welfare and security. At least, the President of the United States says that he needs legislation, and has recommended legislation. Senators may not agree with him. That is not the question.

But every Senator recognizes the compelling necessity of this hour. Yet, Mr. President, we are willing to spend our time on this measure, when everyone, from the President of the United States on down, knows that it is most controversial.

The President was formerly a Member of this body at a time when this question was previously fought out. He has heard us speak individually. He knows the sentiments of many Members of this body. Everyone knew that the very situation which now exists would be provoked if the bill were brought forth. There might be a proper time to settle it. There might be a proper time to bring in the cots. There might be a proper occasion to make an endurance test of it and let the best men win. But, Mr. President, this is not the time to do it. We are neglecting important things, first things, things which are actually threatening the security of the American people, threatening to drive them to hunger, threatening to shut down the jobs and still the wheels of industry.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I am very glad to yield to the able Senator for a question.

Mr. CHAVEZ. The Senator from Arkansas has stated that the President, a former Member of this body, knew what the situation was in the Senate with reference to the particular matter we are now discussing. That is correct, is it not?

Mr. McCLELLAN. Yes; that is what I said.

Mr. CHAVEZ. And does not the Senator from Arkansas also know that, notwithstanding that the President had that knowledge as a Senator, he still is in favor of the passage of the bill?

Mr. McCLELLAN. Mr. President, I am still a freeman. The fact that the President favors the passage of the bill has no compelling influence with me. It may have with some persons, but I do not jump through the hoop, brother. [Laughter.] I have not yet reached the point where I have to do that. I have not done that for any other bill and I will not do it for this one. I love my party. I love the things which I was taught the Democratic Party stands for. I love the traditions of my country. I love the liberty and freedom which the Constitution of this country gives me. That is what I am fighting for.

I wish to impress upon the Senate that notwithstanding that everyone, from the President on down, who has any responsibility in connection with legislation and with the policies of our Government knew that this fight would be provoked, when the Congress reconvened there was no message before it urging it to give first consideration to and to take up for first action certain matters of vital importance. I am not criticising the President in that connection, for I say that we ourselves must take the blame because we can control the situation. The fact that no labor legislation was ready is no excuse. The President had recommended the passage of a bill with two main features. Any Member of Congress could have drafted such a bill and could have made sure that it was introduced. Such

a bill is now in the committee, but it has not been reported from the committee. It is said that the committee has not had time to consider it. Well, Mr. President, the Congress had better begin to consider it. I am not saying that the bill is perfect, but I will state we could take up that bill or the measure introduced yesterday by the Senator from Virginia [Mr. BYRD] or the measure which my friend the Senator from New Mexico introduced sometime ago. If any one of those bills is brought up on the floor of the Senate, I am sure that if we talk as vigorously about them and work as earnestly on them and seek as diligently to find the real answer to the problems with which they deal as we have done in this fight, we shall arrive at an answer which will tend to eliminate, if not entirely remove, the turmoil, strife, and unrest which are threatening the very life of free enterprise in the United States and depriving American citizens of their inherent right to work and to live and to enjoy the richness and abundance of the bountiful resources with which God has endowed our great Nation. That is what we should be doing.

I accept my part of the blame for not doing it. I will tell my people the truth, Mr. President. I know it will be said, "Oh, well, you were told that the bill would be brought up as soon as the Congress reconvened." Yes, Mr. President, I knew that. However, I still regard myself as a junior member of this body. I have been here only 3 years. In view of the fact that it was known that the President favored specific legislation on the subject, I felt that those who were closer to the President and the leadership of Congress probably would see to it that such a measure, or that one with at least some modifications, was reported, so that we could start to work on the real job which confronts us. I accept my part of the blame. I did not introduce such a measure. If I had, I could not have had it reported, but the leadership can and could have had some bill before us and we could have offered amendments and taken steps to enact a measure which would help solve the real problem now confronting the country.

Today, Mr. President, instead of being able to do that, I find myself compelled, as are many others of my colleagues, to do just what I am doing now, namely, to expend my energies and my strength in trying to preserve, protect, and prevent the destruction of that which I cherish more than I do a seat in the Senate of the United States. I am happy to be here representing my people, but I will not sacrifice my convictions in order to retain a seat here. A former Member of this body, now present in the Chamber, knows that after I had been here a few months and after I had voted on some highly controversial measures I heard references to threats of political defeat. I found that threats about political defeat were not coming to me from my home State, even though the majority leader told us they are coming from his home State on the pending bill. However, there were threats in the air. It is commonplace for Senators to receive from certain organizations threats of what they will do if the Sena-

tors to whom they are writing do not vote in a certain way. When that situation arose, I immediately returned to my State and said to my people, "I am willing to be a one-term Senator if I cannot vote my convictions to protect this country and keep people at work and try to prevent anyone from causing a lock-out or shut-down during this war, at a time when our boys need the things which we at home should be making for them." I said, "If I have to pay the price of political defeat, my sacrifice will be nothing in comparison with the sacrifices made by your son and by mine."

Mr. President, if I did not have the courage and willingness to run that risk, I would not belong in the Senate of the United States. Arkansas would be entitled to better representation. The Nation would be entitled to better representation. They would be entitled to be represented by a man of more courage and greater vision.

Mr. President, I regret that we have to make this fight; but I repeat with all the force at my command that the threat at this hour to our national security and our national welfare is not the subject with which the pending measure deals. Even assuming there was justification for the pending measure—although there is not—nevertheless, we find that it does not seek to remedy the great problem which today confronts our Nation. The matters which are sought to be dealt with by the pending measure are not the ones which now endanger our country. Yet we find that this measure is preventing the consideration of legislation which is vital to the welfare of America.

It is said that this is a filibuster. Suppose it is. Call it a filibuster if you will; make the most of the term. Under the rules of the Senate of the United States a Senator can filibuster if he is convinced that a filibuster is justified. For years the rules have permitted filibusters. There have been filibusters before now. I do not know the history of all of them, but I do know that in many instances in the past filibusters have prevented the enactment of legislation which would have been a national disgrace. I hope we can achieve similar results in the present fight.

Mr. President, I have not even finished discussing the first section of the bill. The next clause upon which the necessity for enactment of the bill is predicated is stated in the bill as follows:

The practice of denying employment opportunities . . . by reason of . . . race, creed, color, national origin, or ancestry . . . adversely affects commerce.

Mr. President, what is it that adversely affects commerce? The bill tells us that it is "discriminating in employment against properly qualified persons by reason of their race, creed, color, national origin, or ancestry."

Mr. President, I do not know of anything of that sort that is hurting commerce in this country today. We are employing all the facilities at our command, and they are taxed to the limit. Is commerce in this country burdened or hampered? Is there anything in connection with commerce in this country today—

Mr. MAYBANK. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield for a question.

Mr. MAYBANK. Is it not a fact that the freight rates interfere with certain commerce, and is it not also a fact that the tariff interferes with certain commerce?

Mr. McCLELLAN. Of course, that is so, Mr. President.

Mr. MAYBANK. Is it not also a fact that many of the discriminations against the South and the Southwest interfere with commerce—but not the FEPC?

Mr. McCLELLAN. That is correct.

Mr. President, no one is really concerned about the main problem affecting the South. They are not exercised about it. The solution of it can wait. It has existed for years. The people there will live over it and live under it. They will continue to suffer. But it is said, "Let us get at the race issue. We must reform the South." Mr. President, there can be no reform in the way which is being suggested in this bill. I have no objection to anyone associating in close confidential relationship with any member of the Negro race so long as he wishes to do so. That is his business. But I do not want to be told I must do it, and I do not want to tell anyone else they must do it.

Commerce has not been affected. We have able men in this body. We have men here who possess great wisdom. I use the word "wisdom" in the sense of statesmanship and ability to handle affairs of State. There are Members of the Senate who possess wisdom which is unexcelled anywhere else in this Nation. In spite of that fact I do not believe any Member of the Senate can take the first section of this bill and point to facts which would support its passage. If there are such men, let them cite the condition and let us see where they exist. We do not have any strife between the races. Commerce is not adversely affected by any strife between the races. If factories are closed by strikes, their capacity to produce will be lowered. No, Mr. President, let us not engage in any controversy of that kind. Let the Congress not lower its dignity, its integrity, its quality, and its stature by writing into a bill a finding of facts, or a statement of facts or conditions which do not exist. In justice to the American people whom the proponents of this measure represent, I challenge them to furnish the evidence of the state of facts or conditions which they ask the Congress to find to exist.

The second paragraph of the first section of the bill reads as follows:

It is hereby declared to be the policy of the United States to eliminate such discrimination in all employment relations which fall within the jurisdiction or control of the Federal Government as hereinafter set forth.

Mr. President, unless the conditions can be established as a precedent and as a need for legislation of this kind, we are not justified in legislating in the way we have been asked to legislate. After the existence of this Nation for approximately 160 years, we find it necessary to legislate in order to put an end to practices, customs, and social relationships which have existed in this Nation from its inception. Our forefathers spilled

their blood during the days of the Revolution in order that we might have a right to engage in the very practices which it is now proposed to eliminate by the enactment into law of the pending bill.

Mr. President, we have recently fought the greatest war in the world's history. Previously we went through what we thought was a tremendous economic depression. We have gone through all the struggles of a new nation, during which we built the greatest country in the world. Now we find we must start regulating and establishing policies with reference to a man's freedom in choosing those with whom he would associate in his business, and in the pursuit of liberty and happiness in this land of the free of which we so proudly boast.

Mr. President, if we start legislating a policy every time someone does not like the customs and practices which have grown up, or which have existed throughout the years of this Nation, then I repeat that it will be only the beginning of other legislation of a similar character. The next time the Congress meets there will be another bill to amend, to expand, and to grasp more power even than this bill will grant. Bureaucrats can never obtain enough power to satisfy them. They always want more. They are like the tiger that prowls in the jungle. Give it one taste of blood and it wants more. The same is also true with reference to those who want totalitarian rule. I shall not vote for such a policy as is embodied in the pending bill, because there is no need for it. In the matters covered by the bill the American people are getting along very well, indeed they are getting along exceptionally well. In the city in which I live, and in other cities throughout my State, there may be a Methodist Church on one corner and on the opposite corner there may be a Baptist Church. On a nearby corner there may be a Presbyterian Church. I mention those denominations because they have the largest following in my State. There is no friction between them. There is no friction between the races in my State. They are getting along very well. More trouble is being experienced with the Negroes in the North than down in the South. Look at the crimes which are being committed and have been committed. It is in the sections in which people who want to reform us of the South live that the greatest number of crimes are being committed by Negroes.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CHAVEZ. The Senator from Arkansas is correct. I believe that the South is unduly worried about the affect which it believes this bill will have on the South. Trouble of the character mentioned is at a minimum in the South. But discriminations are being practised throughout the country, and they will eventually affect sections of the South.

Mr. McCLELLAN. I ask, If the discriminations of which the Senator is speaking do not exist in the South, where do they exist? Let us identify the locality in which they exist.

Mr. CHAVEZ. According to the reports of the Government agencies which

have been studying the question, 80 percent of the so-called discriminations happened in other places than in the South.

Mr. McCLELLAN. Mr. President, I assume that the Senator got this information from reports, or that his figures are based on reports made by the existing Fair Employment Practice Committee. Is that correct?

Mr. CHAVEZ. That is correct.

Mr. McCLELLAN. I do not know what they have found, but there has not been so much the discrimination in the South, yet that is where the greatest Negro population is. Discrimination has not been found in the South because the whites and the Negroes there get along well when they are left alone. Take the Negro out of the South and put him in other sections of the country, where he is cuddled and made to feel that he is not only equal to but is superior to the white race, that he should have his rights, and that he has been abused and mistreated in the South, and he cannot be handled. That is when there is trouble, and notwithstanding the fact that the Senator says that 80 percent of the complaints were in other sections than the South, yet 80 percent of them, I think the Senator will find, were complaints with respect to colored people. We are getting along very well with them in the South, and we will continue to do so, and it is not because of intimidation.

I spoke earlier in my remarks about having defended them when I believed them innocent. The real white man in the South is the best and truest friend the American Negro has. We understand the Negroes; we have lived with them; we understand their habits; we realize their limitations; and we know their affections. Southern white people have appreciated the Negro race. I do not say that no abuses have occurred. Of course, there have been abuses, but they have been in isolated cases. Human beings are not perfect. Every man who lives in my State is not a law-abiding citizen. There are people who take advantage of a Negro, yes, because he is a Negro, and such a man would take advantage of his white friend across the street if he could. There are that sort of people, more or less, in every section of the Nation. But the truth is that today the best friend of the Negro race resides in the South.

Mr. President, there is no need for such a policy as is proposed. A legislative policy of this character is a departure from the traditions of this Nation, and it should not now be established.

Mr. CHAVEZ. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. CHAVEZ. I should like to ask the Senator from Arkansas whether he cares to continue his discussion this afternoon or would he rather continue tomorrow?

Mr. McCLELLAN. Mr. President, I will ask, if I may, if the Senate takes a recess now, that I retain the floor tomorrow. It is not my purpose necessarily, however, to continue tomorrow at undue length, if others may be ready to speak, but before we reach a vote on the bill I hope that I may have the opportunity of actually taking it section by

section and telling the people of my State what its consequences and effects will be.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. SMITH. I should like very much to be able to speak on the bill. I have tried a number of times to speak on the pro side of it. I wonder what the Senator's view is with regard to holding the floor tomorrow, or giving some of the others of us a chance to speak. I merely ask for the privilege of enjoying my right, as a Member of the Senate, to speak at some time on the bill, from the affirmative side.

Mr. McCLELLAN. I do not control the time, except so long as I have the floor. I have just said that it would not necessarily be my purpose to try to occupy the whole day tomorrow, by any means. It may be that if other Senators desire to speak I shall be very glad, in the morning, when the session is resumed, to yield the floor. Of course, I have no control over who has the floor.

Mr. SMITH. I make the statement now that I expect, after the Senator completes his remarks tomorrow, to ask for the floor. I shall be on my feet, I guarantee, and if whoever is in the chair will look in this direction, he will see me standing here. The Presiding Officer has seemed to be unable to do so heretofore.

THE STEEL STRIKE—EDITORIAL FROM THE NEW YORK WORLD TELEGRAM

Mr. McMAHON. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield for a question.

Mr. McMAHON. I ask unanimous consent that I may introduce something into the Record, and I ask unanimous consent that the Senator from Arkansas shall not lose the floor.

Mr. McCLELLAN. With that understanding, I am glad to yield.

Mr. McMAHON. Mr. President, last Saturday night an editorial was printed in the New York World Telegram bearing the title "The Steel Strike," referring to the strike which is now under way, and which was then in prospect. In my opinion the editorial states the case. Because of the importance of the subject; and because it is a succinct statement of the case, I ask permission to have the editorial printed in the body of the Record following my remarks.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the editorial was ordered to be printed in the Record, as follows:

THE STEEL STRIKE

More than 700,000 steel workers are set to strike at 12:01 o'clock Monday morning.

Apparently nothing can now avert that strike except a change by the United States Steel Corp. of its decision yesterday to reject President Truman's proposal for settlement of the steel-wage controversy.

The CIO demanded a general wage increase of 25 cents an hour, then reduced the demand to 19½ cents. The corporation offered, first, 12½ cents an hour, then 15. Mr. Truman proposed a compromise, 18½ cents. The union agreed to that. The corporation refused.

We believe that in the few short hours before the deadline United States Steel's officials should consider earnestly Mr. Tru-

man's strongly urged suggestion that they alter their stand and accept his terms for settlement.

It is true that he is asking them to accept a grave responsibility.

The difference between the President's proposal and the corporation's best offer is 3½ cents an hour. That sounds small. But the union's demand is industry-wide. What Big Steel grants, some 800 other steel and iron companies, big and little, will be expected to grant. And 3½ cents an hour added to the pay rolls of the whole steel industry would mean a huge increase in labor costs.

Nor would that be all. Mr. Truman says his proposal is not intended to set a pattern for all industry. But it would set a pattern if accepted by United States Steel, for unions would regard it as precedent for settlement of wage demands on many other industries. We have no means of judging whether the inflationary effect on costs and prices would be as serious as President Fairless of United States Steel says, but unquestionably it would be great.

However, the effects of a steel strike could be worse.

Steel is our key industry. If the manufacture of steel stops, while management and labor fight a finish test of economic strength, manufacture of everything made of steel or iron—from locomotives, automobiles and refrigerators to bobby pins, paper clips, and thumb tacks—soon will stop. Hundreds of thousands of people, not directly interested in the strike, will lose their jobs.

This country can't achieve prosperity and full employment by closing down plants. It can't pay the war debt or defeat inflation by freezing industry. The only formula for high real wages and sound business profits is volume production. And a long steel strike could destroy all hope of getting production into high volume for many months, and perhaps forever. We've got the best chance now we're likely to have.

If the CIO union had turned down President Truman's proposal for avoiding a steel strike and its consequences, the union would be in the national doghouse. If United States Steel insists on turning down that proposal, we believe the corporation will put itself in bad with what Mr. Truman has termed the greatest pressure bloc of all—the American people.

Steel strike or no, we think the tidal wave of strikes, now bringing this worst threat, absolutely proves one thing. That is, that government by men—even though the men are presidents of great unions, great corporations, and a great nation—has not solved and cannot solve the problem of labor-management relations.

For that we need government by law. We need a rule book, instead of the maneuvering and improvising and temporizing that takes us all to the edge of a cliff, and maybe sends us over. And it's the job of Congress to write the rules.

THE BATTLE OF RAPIDO RIVER, ITALY

Mr. O'DANIEL. Mr. President, I ask unanimous consent that I may submit a resolution without the Senator from Arkansas losing the floor.

Mr. McCLELLAN. With that understanding, I gladly yield.

Mr. O'DANIEL. Mr. President, yesterday I related to the Members of the Senate that a few brave men, remnants of the Thirty-sixth Division, in their meeting at Brownwood, Tex., petitioned Congress to conduct an investigation of the Rapido River "fiasco," as they call it. I made an attempt to submit the resolution yesterday, but there was objection heard to the unanimous-consent request I made. So at this time I ask unanimous consent to offer a resolution which

would provide that the Military Affairs Committee of the Senate conduct an investigation which has been asked by the remnants of the Thirty-sixth Division.

The PRESIDENT pro tempore. Without objection, the resolution will be received and referred to the Committee on Military Affairs.

The resolution (S. Res. 218), submitted by Mr. O'DANIEL, was referred to the Committee on Military Affairs, as follows:

Resolved, That the Senate Committee on Military Affairs, or any duly authorized subcommittee thereof, is authorized and directed to conduct a full and complete investigation with respect to the handling of the troops of the Twenty-sixth Division in connection with the battle of Rapido River, Italy, to determine the cause of the heavy casualties suffered by such division, and whether the action was brought about through military necessity or on account of pressure from a foreign government or governments. The committee shall report to the Senate at the earliest practicable date the results of its investigation, together with such recommendations as it may deem desirable.

For the purposes of this resolution, the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Seventy-ninth Congress, to employ such clerical and other assistants, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures, as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee under this resolution, which shall not exceed \$25,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

NATIONAL AGRICULTURAL LEGISLATION—ADDRESS BY SENATOR SMITH

(At this point Mr. McCLELLAN, by unanimous consent, yielded to Mr. SMITH who asked and obtained leave to have printed in the Record an address entitled "National Agricultural Legislation," delivered by him in Trenton, N. J., January 21, 1946, at the twenty-seventh annual convention of the New Jersey Farm Bureau, which appears in the Appendix.)

EFFECTIVE DATES OF RATINGS AND AWARDS UNDER VETERANS' ADMINISTRATION—BILL INTRODUCED

Mr. JOHNSON of Colorado. Mr. President, will the Senator from Arkansas yield?

Mr. McCLELLAN. I yield if I may do so without prejudice to my position.

Mr. JOHNSON of Colorado. I ask unanimous consent, without prejudice to the Senator, to introduce a bill to govern the effective dates of ratings in awards under the Veterans' Administration revised Schedule for Rating Disabilities, 1945, and for other purposes.

There being no objection, the bill (S. 1756) to govern the effective dates of ratings and awards under the Veterans' Administration revised Schedule for Rating Disabilities, 1945, and for other purposes, introduced by Mr. JOHNSON of

Colorado, was received, read twice by its title, and referred to the Committee on Finance.

VETERANS' PREFERENCE UNDER SURPLUS PROPERTY ACT—BILL INTRODUCED

Mr. MAYBANK. Mr. President, on behalf of the Senator from Wyoming [Mr. O'MAHONEY], the Senator from New Mexico [Mr. CHAVEZ], and myself, I ask unanimous consent to introduce a bill to be referred to the Committee on Military Affairs.

I also ask unanimous consent that a statement by the Senator from Wyoming [Mr. O'MAHONEY], and his correspondence with Mr. John W. Snyder, Director of the Office of War Mobilization and Reconversion, be printed in the RECORD.

I ask that the bill be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. Without objection, the bill will be received and referred to the Committee on Military Affairs, and, without objection, the statement and correspondence referred to will be printed in the RECORD.

The bill (S. 1757) to broaden the scope and raise the rank of the veterans' preference provided for in the Surplus Property Act of 1944, introduced by Mr. MAYBANK (for himself, Mr. O'MAHONEY, and Mr. CHAVEZ) was received, read twice by its title, and referred to the Committee on Military Affairs.

The statement and correspondence presented by Mr. MAYBANK were ordered to be printed in the RECORD, as follows:

BILL TO BROADEN VETERANS' PREFERENCE—STATEMENT BY SENATOR JOSEPH C. O'MAHONEY

An amendment to the Surplus Property Act designed to give veterans a preference second only to the Federal Government and to authorize the purchase of surplus for their own personal use will be introduced in the Senate on Monday, January 21, by Senator MAYBANK and myself. Speedy action may be expected upon this measure.

The problem of insufficient outlets which has been another source of dissatisfaction probably does not require legislation but can be handled through an energetic program for the sale of surplus materials on the spot where they have become surplus, provided the facilities and personnel of the owning agencies are employed to conduct sales to veterans and to other priority claimants.

I have today addressed a letter to War Mobilization Director John W. Snyder in which I have pointed out that, even though these three reforms were made effective immediately, the fact that insufficient quantities of suitable materials have been declared surplus to date will remain a serious source of dissatisfaction. In order to remedy this situation, I have called upon the Office of War Mobilization and Reconversion to submit to the Surplus Property Subcommittee a program to assure that the largest possible quantities of those classes of civilian-type surplus which are most in demand by veterans, according to the Smaller War Plant Corporation's records, are immediately declared surplus and promptly put on sale to veterans.

It is my belief that the veterans' preference under the Surplus Property Act, even after its rank has been raised and its scope has been broadened, can be made effective only if an inventory is established and publicized of those types of surplus goods most in demand by veterans, including motor vehicles, household goods, farm, recreational and

sports equipment, and if such surpluses are made available immediately to veterans.

A conference will be called by the Surplus Property Subcommittee to afford the Office of War Mobilization and Reconversion and all other administrative agencies concerned an opportunity to lay before the subcommittee a program for the effective carrying out of a broadened veterans' preference under the Surplus Property Act.

JANUARY 19, 1946.

Mr. JOHN W. SNYDER,
Director, Office of War Mobilization and Reconversion, Washington, D. C.

MY DEAR MR. SNYDER: It appears to me to be of great importance to achieve the closest possible cooperation between the Congress and the executive branch for the purpose of making effective immediately the promise of preference to veterans contained in the Surplus Property Act. Testimony received by the Surplus Property Subcommittee indicates that there are at least four factors which cause dissatisfaction with the way in which surplus disposal to veterans is presently being handled:

1. The present veterans' preference ranks below the priorities granted to Federal Government agencies, State and local governments;
2. The present veterans' preference does not extend to surplus commodities desired by veterans for their own personal use;
3. Civilian-type surplus property generally desired by veterans is not available in sufficient quantities to satisfy existing demand; and
4. Sufficient outlets are not available to handle expeditiously the distribution of such surplus commodities to veterans.

Of these barriers the first and second can be easily changed by law, and they were included in a bill drafted by the Counsel to the Surplus Property Subcommittee. This draft bill, as you know, during the past several weeks has been the subject of conferences with various Government agencies concerned, including your office. The fourth hurdle—insufficient outlets—probably does not require legislation but can be handled through an energetic program for the sale of surplus materials on the spot where they have become surplus, provided the facilities and personnel of the owning agencies are employed to conduct sales to veterans and to other priority claimants.

Senator MAYBANK and I will on Monday introduce a bill to remove the first two obstacles above listed, namely, the inferior priority for veterans now provided by law, and the limitation by which that preference is restricted to purchases for business, professional, or agricultural use. Speedy action may be expected upon this measure.

Even though these three reforms were made effective immediately, there would still be a serious source of dissatisfaction if the third barrier is not removed, namely, the lack of sufficient quantities of suitable surplus materials at given locations to satisfy existing demand. Several weeks ago in conference with Secretary Patterson and Under Secretary Royall of the War Department I suggested the desirability of the immediate establishment of an inventory of specific classes of civilian-type surplus property including motor vehicles, household goods, farm, recreational and sports equipment, the existence of which could be publicized throughout the country and which could be made immediately available for disposal to the veterans. This inventory should also include small boats now owned by the Maritime Commission and the Navy Department, which would be available for use by veterans, particularly as fishing and charter boats.

I understand that the Smaller War Plants Corporation is preparing a list of the classes of surplus in demand by veterans and that on

the basis of this list your office will undertake to work out in conjunction with all agencies concerned a program to secure immediate surplus declarations and promote sales of the property so listed. I have today consulted Under Secretary Royall who, I understand, is entirely willing that an immediate survey shall be made of the specific quantities of civilian-type property which could be included in such an inventory. Such survey should be made by all owning agencies.

Whether it is desirable to require such an inventory to be established by executive action or by an additional amendment to the Surplus Property Act is to be the subject of further discussions by the Surplus Property Subcommittee with all of the Government agencies concerned. It is my hope that at that conference you will be able to present on behalf of the executive branch of the Government a program to make a broadened veterans' preference effective.

Sincerely yours,

JOSEPH C. O'MAHONEY,
Chairman, Surplus Property Subcommittee.

SUSPENSION OF IMMIGRATION FOR 5 YEARS—BILL INTRODUCED

Mr. MAYBANK. Mr. President, I also ask unanimous consent to introduce for appropriate reference a bill to suspend immigration for a period of 5 years.

There being no objection, the bill (S. 1758) to suspend immigration for a period of 5 years, was received, read twice by its title, and referred to the Committee on Immigration.

EXECUTIVE MESSAGES REFERRED

As in executive session, and by unanimous consent,

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. CHAVEZ. Mr. President, without interfering with the rights of the Senator from Arkansas, I wish at this time to move for a recess until 12 o'clock tomorrow.

Mr. MORSE. Mr. President, will the Senator yield before he makes his motion?

Mr. McCLELLAN. I believe I still have the floor. I yield if it will not prejudice my position.

Mr. MORSE. Mr. President, I simply desire to say to the Senator from New Mexico before he makes the motion to recess, that I think it should be understood clearly that there is, may I say a general understanding apparently among a majority of the Members of the Senate, with respect to this filibuster, that when 6 o'clock comes the Senate will recess. I want to register my protest against that procedure, Mr. President, because I feel that the Senate should make up its mind to do everything that can be done to break the filibuster. We cannot break it by keeping in session just during banking hours. We should either try to break it, in my judgment, by a sincere and good faith attempt on the part of those of us who believe that this filibuster is a great mistake because it denies the majority in the Senate of the United States the right to proceed to vote on the FEPC

bill including the many amendments which I think, as I said earlier today, should be made to the bill, or we ought to stop the type of farce which in my judgment we are now proceeding with when we seek to give the impression that we really are trying to stop the filibuster although we recess every afternoon at 6 o'clock or earlier. I simply want the RECORD to show that I will never vote for a recess so long as this filibuster is going on, and I desire to say to those who vote for a recess that I think it ought to be perfectly clear to everyone that they will never be able to have the merits of the bill voted on by adopting a practice of recessing each day at 6 o'clock. A filibuster is many things. For one thing, it is an endurance contest. Continuous sessions may not break this one, but they would make the issue perfectly clear to the public, namely, that Senators will fight to establish majority rule in the Senate of the United States.

Mr. CHAVEZ. Mr. President, will the Senator from Arkansas yield to me?

Mr. McCLELLAN. I yield.

Mr. CHAVEZ. I fully appreciate the remarks of the Senator from Oregon and agree with him. But I have great faith in human nature. I think those who are against the bill or who are now discussing many matters, some entirely outside the bill, should be given an opportunity to get a little rest now and then. Their minds might be changed by treating them with kindness. I agree with the Senator from Oregon that the filibuster should be broken, but I hope the Senator will not press his protest at this particular time.

I renew my motion that the Senate now recess until 12 o'clock noon tomorrow.

Mr. MORSE. Mr. President, will the Senator from Arkansas yield to me to make a brief reply to the Senator from New Mexico?

Mr. McCLELLAN. I yield for that purpose.

Mr. MORSE. The Senator from New Mexico has expressed the hope that I not press my protest at this time. The only protest I could make, resulting in floor action, would be to suggest the absence of a quorum. However, I want the RECORD to show that that would be, in my judgment, a useless procedure, because I know what would happen if there were a call for a quorum. I would be outvoted on the recess issue. I say that because it is my understanding that it is the intention of the majority of the Members of the Senate to take recesses at this time of day. I simply want the RECORD to show my protest at that method of attempting to break a filibuster. I shall never be a party to it.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Mexico [Mr. CHAVEZ] that the Senate take a recess.

The motion was agreed to; and (at 6 o'clock and 13 minutes p. m.) the Senate took a recess until tomorrow, Friday, January 25, 1946, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 24 (legislative day of January 18), 1946:

DIPLOMATIC AND FOREIGN SERVICE

Leon L. Cowles, of Utah, now a foreign-service officer of class 6 and a secretary in the diplomatic service, to be also a consul of the United States of America.

THE JUDICIARY

UNITED STATES DISTRICT JUDGES

Hon. Jacob Weinberger, of California, to be United States district judge for the southern district of California, vice Hon. Harry A. Hollzer, deceased.

Frank M. Scarlett, of Georgia, to be United States district judge for the southern district of Georgia, vice Hon. Archibald B. Lovett, deceased.

UNITED STATES MARSHAL

Al W. Hosinski, of Indiana, to be United States marshal for the northern district of Indiana. (Mr. Hosinski is now serving in this office under an appointment which expired July 3, 1945.)

HOUSE OF REPRESENTATIVES

THURSDAY, JANUARY 24, 1946

The House met at 12 o'clock noon, and was called to order by the Speaker pro tempore, Mr. McCORMACK.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou in whose presence we wait, we thank Thee for the history of our Republic. It is a goodly vine we have inherited. Its clusters of blessings hang richly, and its roots run out in many ways for the welfare of our people; its greatness is not dependent upon wealth or title, but upon character founded on personal integrity between man and man, between nation and nation. Teach us that this virtue alone never loses its enchantment, and this task will ever yield soul-deep satisfaction.

We praise Thee for Him who commands our supreme love, the light not only of one land or of one age, but the light of the world, and the greatest personal revelation of a merciful God, whose commandments are the ultimate law of our moral universe. Dear Lord, in Thy wondrous tenderness and wisdom, draw our country near, that tyranny and sin may no longer attain ancient power, but that our minds may be centered on justice and good will, putting aside all bitterness, anger, clamor, and evil speaking, and Thine shall be the glory and ours the blessing. Amen.

The Journal of the proceedings of yesterday was read and approved.

RETURN OF PUBLIC EMPLOYMENT OFFICES TO STATE OPERATION

Mr. SABATH, from the Committee on Rules, submitted the following privileged resolution (H. Res. 494), which was referred to the House Calendar and ordered to be printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 4437) to provide for the return of public employment offices to State operation, to amend the act of Congress approved June 6, 1933, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 3

hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Labor, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same back to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

SCHOOL-LUNCH PROGRAM

Mr. BATES of Kentucky, from the Committee on Rules, submitted the following privileged resolution (H. Res. 495), which was referred to the House Calendar and ordered printed:

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 3370) to provide assistance to the States in the establishment, maintenance, operation, and expansion of school-lunch programs, and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and the ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall rise and report the same back to the House with such amendments as shall have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

ADDITIONAL COPIES OF REPORT TO COMMITTEE ON WAYS AND MEANS BY ITS TECHNICAL STAFF RELATIVE TO THE ISSUES IN SOCIAL SECURITY

Mr. JARMAN. Mr. Speaker, from the Committee on Printing, I report (Rept. No. 1490) a privileged concurrent resolution (H. Con. Res. 121), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the House Committee on Ways and Means be, and is hereby, authorized and empowered to have printed for its use 4,000 additional copies of the report to the committee of its technical staff relative to the issues in social security.

The resolution was agreed to.

A motion to reconsider was laid on the table.

A DEMOBILIZATION PROBLEM

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

[Mr. PHILBIN addressed the House. His remarks appear in the Appendix.]

STRIKES AGAINST THE PUBLIC

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.